West Bengal Act LIX of 1980

THE KOLKATA MUNICIPAL CORPORATION ACT, 1980.

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434. Power Lo inspect places where unlawful slaughter of animals, etc, is suspected.

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436. Municipal licence for private markets.
437. Prohibition of keeping market open without licence, etc,
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441. Power lo stop use of premises used in contravention of licences.

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442. Power to call for returns on lands or buildings.

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444. Power of Corporation to define and to alter limit of *bustee.*
445. Improvement schemes.
446. Acquisition of the right of user.
447. Work to be executed in a *bustee.*
448. Erred of vesting of right of user.
449. Compensation for vesting.
450. Survey of *btisices,* and preparation of record-or-rights etc., by Corporation. 450A. Standard layout plan Tor development of *bustee.*
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452. Dulies of Ihe Registrar for registration of births and deaths.

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454. ' Registration of name of child or of alteration ol~ name.

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461. Sextons, etc.. not lo bury, etc., corpse.

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464. Permission for opening new place for disposal or the dead or reopening of place.

465. Power lo require closing of burning and burial grounds.

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467. Prohibitions regarding burials within places of worship and exhumation.

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470. Corporation to lake measures for prevention and checking of dangerous diseases.

471. Obligation to give information of dangerous disease.

472. Power of Municipal Commissioner to inspect a placc and take measures lo prevent spread of dangerous disease.

473. Power or Municipal Commissioner to remove palieul to hospital in certain cases,

474. Power nf Municipal Commissioner to disinfect building, tank, pool or well.

475. Power of Municipal Commissioner to destroy infectious huts or sheds,

476. Power of Municipal Commissioner to close lodging and eating houses,

477. Power of Municipal Commissioner Lo restrict or prohibit sale or food or drink.

478. Control over wells and tanks, elc,

479. Special measures in case or ouL-brcak of dangerous or epidemic diseases.

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481. Contamination and disinfection of public conveyance.

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492. Power to prohibit use of buildings or rooms in buildings unfit for human habitation.

493. Power Lo direci the filling up, elc., of unwholesome wells, pool, etc.

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495. Power to require trees, hedges, elc. Lo be trimmed.

496.

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498. Regulation of use of places Tor public bathing, elc.

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501.

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503. Public latrines, urinals, elc.

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506, Lairilies and urinals, cic., iri new buildings.
507. Latrines and urinals for labourers, elc,
508. Provision of latrines and urinals for markets, elc,
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510. Prevention of adulteration of food, drugs and cosmetics.
511. Municipal Commissioner to provide for inspection of animals, etc., exposed for sale.
512. Control of pollution.

E. Prevention of Fire

513. Stacking or collecting inflammable materials.
514. Care or naked lights,
515. Discharging fire-works, fire-arms, elc.

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517, Power Lo require removal or abatement of nuisance. " 517A. Power lo remove nuisance.
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52]. Registration and control of dogs.
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525. Power to require improvement of buildings unfit for human habitation.
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527. Power Lo order demolition of buildings unfit Tor human habitation.
528. Improvement scheme.
529. Matters Lo be provided in an improvement scheme.
530. Submission of improvement scheme to (he Corporation Tor approval and to ihe State Government Tor sanction.

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531. Re-housing schcmc.
532. Improvement scheme and re-housing schcme lo comply wicli the master plan and zonal y'u development plan.
533. Power lo acquire land mid building Tor improvement.
534. Execution of an improvement scheme,

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538. Power lo hire or take on lease immovMblc property.
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547. Time of making entry.
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554. Nolices. cic. to fix reasonable lime.
555. Signature on notices, etc., may be stamped.
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559. Submission of objections lo comply wiih noticc.

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560. Power of Corporation lo enter into agreement Tor payment of expenses in instalments.
561. Power of corporation lo dcelare certain expenses lo be improvement expenses.
562. Improvement expenses, how recoverable and by whom payable.
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567. General power of Corporation to pay compensation.
568. Compensation to be paid for damage to properly of Corporation.

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569. Reference by Corporation to Couri of Small Causes or lo High Courl in ecrtain cases of recovery of expenses.
570. Application to Court of Small Causes or lo High Court in certain cases of paymeni of expenses or compensation.
571. Recovery of expenses or compensation determined under seciion 570.
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579. Municipal Magistrates.
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<V. *Legal proceedings*

585. Power lo institute, etc., legal proceedings and oblain legal ndvice.
586. Notice, limitation and tender of amends in suits against ihe Corporation, etc.
587. Indemnity.

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588. Co-operation of the police.
589- Power of police to arrest offenders.

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590. Validity of notices nnd other documents.
591. Admissibilily of document or entry as evidence.
592. Evidence of officer or employee of the Corporation.
593. Prohibition against obstruction of Mayor or any municipal authority, etc,
594. Prohibition against removal of mark.
595. Prohibition against removal or obliteration ornotice.
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597. Liability of Municipal Commissioner, ctc. for loss, waste or misapplication of Municipal **Fund** or Properly,
598. Councillors and officers and other employees of Hie Corporation lo be public servants.
599. Other laws not to be disregarded.

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600. Power lo make rules.
601. Power to amend Schedule.
602. Power to make regulations,
603. Condition precedent to the making of regulations.
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607. Penalty for breaches of regulation.
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609. Doubts as lo powers, duties or functions of municipal authorities.

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610. Punishment for ccriain offences.
611. Punishment Tor acquiring share or interest in contract, clc., wilh the Corporation,
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613. Fine Tor pulling buildiug lo any use other than thai for which a licence has been granied.
614. Penally for obstructing coniraclor.
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617. Punishment of imprisonment in default of payment of fine,
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622. Power of Stale Government to notify intention to extend Acl to other areas,
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624. Effect of extension of Act.
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626. Effect of inclusion or exclusion.

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B. Special provisions as to land and buildings in Hastings

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627. Control by General Officer Commanding ilie Presidency District over Government land and buildings.
628. Sanction of Central Government required for erection of masonry building.
629. Demolition or alteration of buildings erected without such sanction,
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631. Savings as to certain suits and proceedings.
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D. Miscellaneous and transitory provisions

632. Provisions or this Chapter to override other provisions.
633. Transitory provisions as lo Howrali Municipality.
634. **Removal uf** difficulties.
635. Repeal and savings.
635A. Special provision for municipalities included ivrithin Kolkala.
636. Transitory provision. - Schedule I.ð Kolkata, Boundaries.
Schedule II.ð Wards of ihe Corporation.
Schedule III.ð *{Omitted).*
Schedule IV.ð ỿ Profession, irade nnrf calling.
Schedule V.ð **PART).**
Purposes for which premises may not he used without permission.
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Schedule VI.ð Penalties.
Schedule VII,ð Modification of the Kolkata Municipal Acl. 1923, as extended to the Municipality of Howrah.
Schedule VIII.ð **Paris of plant or of combination of** plant and machinery **in ccrtain cases** not **lo** be **excluded in Calculating Llie art** nun! **value** of any **land** or **building.** Schedule IX.ð Tax **oil can.**
Tax on carriages.

© West Bengal Act LIX of 1980[1]

THE [2][KOLKATA J MUNICIPAL CORPORATION ACT, 1980.

" West Ben. Act XXXII of J 983,
West Ben. Act VIII of 1984.
West Ben. Acl XIII uI" I9S4.
West Ben. Act XXIII of 1985,
West Ben. Act XIV oil 986.
West Ben. Acl XXI of 1988.
West Ben. Act XV of i 989.
West Ben. Acl XXXI of] 989.
West Ben. Acl I of [990.
West Ben. Act IX of 1992.
West Ben. Acl VI of 1993.
West Ben. Acl XVII of 1993.
WesiBen, Act XXXII of 1994.
West Ben. Acl XXXVI of 1994.
Wcsi Ben. Act VI of 1996.
West Ben. Acl XXVI of 1997.
West Ben. Act XXIII of200O.
WesiBen. Acl VIII of 2001.
West Ben. Act XVIII or 2001.

AMIıND KD

COURT BOOK
EMPOWERING LEGAL CLARITY

[28th December, 1981.]

An Act lo amend and consolidate the law relating to the municipal affairs offKolkalu}.

WHEREAS it is expedient to amend and consolidate, in the manner hereinafierappearing.thelnw relating lo Ihe municipal affairs ofKolkata];

It is hereby enacted in IheThirly-firsl Year of Ihe Republic of India, by the Legislature of West Bengal, as follows:ð

PART I

CHAPTER I Preliminary

I. (I) This Acl may he called the-[Kolkalal Municipal Corporation Slton tiile, **Acl, 1980.** **application** and

(2) Excepl as hereinafter otherwise provided in this Acl, ii applies commence only to ˙[Kolkaia], mciM₁

(3) II shall come into force on such dale as the Slate Government may, by notification, appoint.

'Wards within the square brackets were inserted by . 2{2) or the Calcium Municipal CcvpcrMicn (Stcond AmcntSmtniy Act. 19S-t (Wcsv Ben. Act XIII 19S4).

-Clans: (20) was omiued by s, 3(1) of rheCnlcLitw Municipal Corporation (Amendment) Act, 2001 (Weal Ben. Acl VIII of 2001).

■*See* foot-note *1* on page 573, ««re.

'Clause (22) omitted by s. (2) olrlie CuTcuitn Municipal Corpmatiun (ALvniliiiCin) Acl. *1996* 'West Hen. Act VI ol 1996).

Tim word within ihe square brackets was sutislilulcd for the word "Calculla" hy s. 5 of the West Bengal Capital City (Change (y>f Ni:-; Acl. 2001 {Wesl Ben. Acl XVIII of 2001). w.e.f. ihe lit January, 2001.

[West **lien.** AcL

(Pan t.—Chapter t.—Preliminary.—See I ion 2.)

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Definitions.

2. In ibis Acl, unless llie context otherwise requires,ð

(I) u article shall be deemed 10 be "udu Iterated"ð

(a) in the case of drugs, ifits strength, quality or purity rails below Ihe professed standard under which it is sold or exposed Tor sale:

(b) in the case of confectionery, if il contains any mineral substance or poisonous colouring or flavouring muiter or oilier i ngredicnts deleterious or dctri menial to health; and

(c) in the case or food,ð

(i) if any substance has been mixed or packed with it so as lo reduce or lower or harmfully afreet iis quality or strength, or

(ii) ifany substance hasbcensiib.stituted whollyorin pan for the article, or

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

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

(v) i fit does not comply with the standard prescribed therefor by or under this AcL or under any other law for the Lime being in force, or

(vi) if **it** coniains or **is** mixed or diluted wilh 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 n 111 ri L **i** ve prope rl **i** es as c om pa red w i Lh the s am e i **11** a pure or normal slate 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) ir il is not or the nature, substance or quality which ii purports or is represenled to be;

(3) "assessment-book" means llie municipal assessment book referred Lo by section 191 and includes any books subsidiary thereto; "assess-ments book".

(4) "budget-gram" means a sum entered on the expenditure side of the Budget Estimates which have been finally adopted, and includes any sum by which a budgel-grani is ai any lime increased by a transfer under clause (c) of sub-section (I) of section 132; l" hud pel-gram".

'(5) "building" means a structure constructed for whatsover purpose and of whalsover materials and includes the foundation, plinth, walls, floors, roofs, chimneys, fixed platforms, verandas, balcony, cornice Dr projection or part of a building or anything affixed thereto or any wall (other lhana 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; "building"

(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 i ntended to be used for any of the purposes mentioned in this clause; " build in g-line".

(8) *"bustee"* means an area containing land not less than seven h u ndred square metres in area oeeu pied by or for t he purposes of any collection or huts or other structures used or intended to be used for human habitation. "building of Llie ware-house class",

*Explanation.*ð 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) "-fKolkataJ" means the area described in Schedule I; Kolkaia)'".

(11) "carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is ordinarily used for the convcyancc 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 tha conveyance or small children;

"c rim age

(12) "can" means any can, liackney or wheeled vcliiclc with or wiLhoiit springs, wliidi in not a "carriage" as defined in this section, and includes a hand-cart '[or a cycle van or a push van], but does not include any wheeled vchiclc which is propelled by mechanical power or its trailer;

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

"Van .

(14) "category B post" means a category Ii post classified as such tinder 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 posi classified as such under section 17;

"category A pOil",

(17) "Chairman" means the Chairrruui elected under section 6;

"L.ifiM'nry R posl".

(18) "con n ec led-privy" means a privy which isdirectly connected with a sewer,

"cnlc£0ry C pcsl".

(19) "connected-urinal" means a urinal which isdirectly conncctcd with a sewer;

"cnlcgory D post".

2 * ;f? * *

"CI i airman".

(21) "Corporation" means the '[Kolkata] Municipal Corporation established under this A.ct;

"connccicd-

"cubica l c.iicm".

(23) "cubical enient", with reference to the measurement of a building, means the space contained within the external surfaces of i is walls and ry of and the upper aurfaccolihc floor of its lowest or only storey;

"dairy".

"Corpori-lion".

(24) "dairy" includes any farm, cattle-shed, cow-ho use, mtlk- siorc, mi Ik-sliop ui other placeð

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

(b) in which milk is kepi for purposes or sale or used Tor manufacture or preparation Tor sale ofð

(i) butter, or

(ii) **ghee. or**

(iii) cheese, or

(iv) **curds, or**

(v) dried, sterilized, condensed or loned milk, bui does

not includeð

(a) ashoporothcrpjneein which milk is sold ftir consumption oil ihe premises only, or

(b) nshoporotherplacefrom which milk is sold orsupplicd in hermetically closed and unopened receptacles in the same original condition in which ii was first rcccived in such shop or other place;

(2.*)} "dairyman" ineludes nny occupier of a dairy, any cow- keeper who trades in milk, or any wholesale or retail seller of milk; "d.iiryuun".

(26) "dangerous disease" meansð

(a) cholcro, plague, small-pox, cerebrospinal meningitis, diphtheria, tuberculosis, leprosy, influenza, encephalitis, poliomyelitis and syphilis; and "dangerous disease".

(b) any oiher epidemic, endemic, or infectious disease which ihe Slate Government may, by notification, declare to be a dangerous disease for (he purposes of this Act;

(27) "depot" means a place where articles are stored, whether for saleorforany 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 Tor private worship; "dcpol".

(29) "domestic purposes", in relation to the supply of walermeans the purposes other than those referred to in sub-section (2) or section 2'38; "domcslic building".

(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 mailer, polluted waier, rain-water Dr subsoil water; "domestic pjrposcs".

(31) "drug" means any substance used as medicinc or in Lhe composition or preparation of medicines, whether fori mental or external use, but does nol include a drug within the mcaningofclause (b)ofsection 3 ofthcDrugs and Cosmetics Act, I940: "drain".

2.1onwo. "drug".

"dwelling hou.se".

(32) "dwelling house" means a masonry building constructed, used or adapted LO be used wholly or principally Tor human habitation:

LIX of 1980.1

"edible oil".

(33) "edible oil" means cocoanui oil, cotion seed oil, groundnut oil, olive oil and lil (sesame) oil, in theirpurc state, linseed oil, Mahua oil. musi nrd oil, rapesecd oil, poppy sued oil. sunflower oil, tara mira oil, nigcr seed oil, soyabean oil, maize oil, plam oil, plam karnel oil, waler melon seed oil, in their pure slate, imported saladoil labelled as such, any vegetable oil, prepared by hardening process such as hydrogen at ion and labelled as suclt and bearing in ihe label in English and Bengali the names of the oils entering into Us composition and any other oil which [lie Slate Government may, by notification, declare **10** be an edible oil for the purpose of this **ACL**;

"edible fai".

(34) "edible fat" means prepared in a manner approved by [he Chief Municipal Health Officer from healthy goats, sheep, pigs, cows, buffaloes, or any oilier animal which ihe State Government may, by nolificalion, specify for ihe purposes of 111 is clause;

'(35) "clecled inertihcr" means an elected Councillor; 2$ ^

(38) **"filtered water" means waler 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, oLtier than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation or human food, and also includes confectionery, flavouring and colouring matters, spices and condiments;**

(40) "Footpath" means a category VI road which abuts a category 1 or category fl or category III or category IV road;

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

'Tillered water'.

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

'Clause (35) was .subsumed Torllie original by 5. 4())(a) (if ihe Wesl Bengal Municipal Corporation Laws (Third Amendment) Acl, 1994 (West Ben. Acl XXXVI of 1994)

"food".

-Onuses nfr) and (37) wcic omirlcrf by s. 1 of lire Calculiri Municipal Corporation (Amendment) Act, 19% (Wcsl I3cn. Ac. VI uf 1096).

"Fooipaih".

"liabilablc room".

"tinlf-ycar"

LEX of 1980.]

LEGAL COURT BOOK

*(42A) "heritage building" means any building of one or more premises, or *any* purl 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 forfencingorcovcringoroihenvi.se preserving such building, and also includes the areas and buildings requiring preservation and conservation for the. purpose as aforesaid under sub-clause (iil of clause (a) ofsub-section (4) or section 31 of the West Bengal Town and Country (Planning and Development) Acl, 1919;

Wcsi Ben. AclXlllor 1979.

'(42B) "Heritage Conservation Committee" means Ihe Heritage Conservation Committee constituted under sub-section (1) of section 4250;

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

"house-drain".

(44) "liouse-gully"mennsapassageora strip of land constructed, set apart or utilized Tor the purpose of serving as a drain or of ;i ffording acccss to a pri vy, uri nal, cesspool or oilier rcceptacle lor filthy or polluted mailer lo municipal employees or to persons employed in the cleaning thereof in the removal or such matter therefrom and includes (he air spacc above such passage of land",

"house-gully".

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

"hut".

(46) "infectious disease" or "communicable disease" means any disease which may be transmitted from one person Lo another and declared as such by tlx State Government by noli Ileal ion;

(47) "in habited 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 lo which there isa reasonable presumption (until the contrary is shown) Ihatsomeperaon passes the night therein or that it is used as a living room;

"inrecliou* disease or communi-cable

"inhabited room".

(48) "label" includes any tag, brand, mark or statement in writing on or nttachcd Lu or used in connection with any package containing any arlicle of food or any dmg or substance;

"label".

'Clauses (42 A) and M2ti) were ins^ruicl by s. *7(* IJ of ihe Calcuiia Mcmcip;tl Corpunrnoii (Amendment) Acl, 1997 (West Ben. Acl XXVI of 1997),

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

(50) "market" shall be deemed lo be synonymous wiih [he expression "hazar" and .shall meanð -

(a) ʟ) place where persons assemble for the sale of meal, fish, fruit, vegetables livestock, or any oilier article of Tood of a perishable nature, whether or not there is any colleclion of shops or warehouses or stalls for [he sale of oilier articles in such place, or

(b) any place of trade, oilier than a place referred to in sub-clause (a), where [here 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;

"land or building",

"market, bnznr".

^^1) "masonry building" means any building other than a hut ant! inehidcs any structure, a substantial part of which is made of masonry, reinforced concrete, steel, iron or other meial;

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

"masonry building".

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

(53) all drugs or articles of Tood 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 by false or may mislead in any particular, shall be deemed **Lo** be "misbranded"[1] and a drug or an article of food shall also be deemed lobe misbranded if il is offered for sale under the name of another drug or nriiclc of food;

"milk".

mis- bra nded"

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

(55) "municipal market" means a market belonging **Lo** or maintained by ihe Corporalion;

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

(57) "new building" means and includesð

(a) any buildingcostnictedorin the process of conslruction after the commencement of this Acl,

"municipal drain", "municipal market".

"municipal slaughter-house' '.

'"new building".

'Clause (51 A) was in scned by 5.-1(1)(b) of the West Bengal Municipal Corpora [ion Laws (Third A mend mum) Acl. 19M (Wcsl lien. Acl XXXVI of 199-1).

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(b) any building which, having collapsed or having been demolished or bum! dawn Tor more thanone-halfofits cubical extent. is reconstructed wholly or partially after the commencement of [his Act, whether the dimensions o ["the reconstructed building a re the same as those of the original building or not,

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

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

*Explanation.*ð Sub-cl ntise(b) applies whether more than one-halfoftliecubical externorany building has collapscd or been demolished or burnt down at the same time or at different times;

(58) "notification" means a notification published in ihe *Official* '-noiifira- *Cazetfc-,* *ucm* ,

(5'J) "nuisance" includes any act, omission, place or thing which "nuisance"', causes or is likely lo cause injury, danger, annoyance or offencc to the sense ofNight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous lo life or injurious lo health or property;

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

Provided Lhui 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, "offensive putrid or putrefying substance and filth of any kind which is [mallir] ƴ not included in "sewnge"-

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

(62) "owner" includes the person Tor the lime being receiving ilii' "owner", 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 pari of [he land or building were let lo a tenant;

'Clause (61 A) was inserted by s. 1 or the Calcu'ia Municipal Corpor:nion(Amendment) A«, 2000 (West Hen. Ael XXUJ af20Q0),

(Part I.—Chapter I,—Preliminary,₈ See I ion 2.)

"package". (63) "package" includes every means by which goods forcarriage or for storage or Tor sale arc cased in, covered, enclosed, contained or packed:

"party-wall" (64) "party-w;)H"me;wsa wall forming part of a building and used or constructed lo be used Tor Ihe support and separation of adjoining buildings belonging to different owners or constructed or adapted lo be occupied by different persons;

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

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

"Presiding OfJlccr (67) "PresidingOfficer" means iheChairmanclecleduiidersceiion 6 or tlic member of the panel of presiding officers nominated under seciion 93;

"private sired". (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 lo Tour 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 iwo metres and fifty centimetres wide;

'(68 A) "property i ax" means a rate assessed, on building or buildings, or on lands, or on both, and includes service charges levied on property tax under this AcL;

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

"public building " (70) "public building" means a masonry building constructed, used or adapted lo be usedð

(a) as a place of public worship or as a school, college or olher 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 Iceturc-room, public library or public exhibition-room or as a public place of assembly, or

'Clause (GKA) was inserted by s. 3(2) oflhc Calcium Municipal Corporalion (A in t nil m cm) Acl. 2001 (Wesl Ben. Act Vtllof2001).

(b) for any other public purpose, or

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

(71) "public street" means any street, road, lane, gully, alley, passage, pathway, square orcourtyard, whether a thoroughfare or noi, over which the public have a right of way, and includesð "public slreel".
(a) the roadway over any public bridge or causeway,
(b) the footway auached to any such street, public bridge or causeway, and
(c) the drains attached lo any such street, public bridge or causeway,
and, where there is no drain attached to any such slreel, shall, unless ihe contrary is shown, be deemed lo inchidc all lands up lo the outer wall of Ihe premises abuiting on the street, or, where a street alignment has been fixed and ihe area within such alignment has been acquired by the Corporation and the alignment has been demarcated or is capable of being demarcated up Lo such alignment;

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

[1](72A) "recognised political party" means a national party or a Stale party recogniscd as such by Ihe Election Commission oflndia by notification Tor the lime being in force; "nilcpnycr".

(73) "Registered medical practitioner" means amedieul practitioner registered under the Bengal Medical Act, 1914; "registered medkal practitioner".

Ben. Acl VI of 1914.

(74) "regulation" means a regulation made by ihe Corporuiion under this Acl; " regulation"

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

(76) "rules" means rules made by theSlale Government under this **Acl;** "rules".

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

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

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

'Clause (72 A)\vas inserted by s.'2(2) oftlic Calcutta Municipal Corporation (Amendment) An. 1997 (West Ren. Act XXVI of 1997),

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"sVy-sijjn". "sky-^jgn" means any word, letter, model, sign, device or other representation, in (lie nature of an advertisement, announcement or direct ion, which is supported on orallached lo any post, pole, standard, framework or other support wholly or in parL upon, over lo above any building or structure and which is wholly or in pari visible againsllhesky from any point in any street or public place, and includesð

(a) every part or such support, and

(b) any balloon, parachute or similar devicc, employed wholly or in part, Tor the purpose of any advertisement or announcement, on, over or above any building, slruciure or erection of any kind, or on or over any sLreeL or public place, but shall not be deemed lo includeð

(i) any flagsiaff, pole, vane or weather-cock, unless adapted or used wholly or in pari for ihe purpose or any advertisement or announcement,

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

(iii) any representation which relates exclusively lo ihebusinessorarailwayadminislration as defined in ihe Indian Railways Acl, 1890, and which is 9 of 1K90, placed wholly upon or over any railway, railway station, yard, platform or station approach, or premises belonging to such railway administra-tion, and which is so placed (hat it could not Tall into any sireel or public place;

j'slnlighter-y' ' ' (81) "slaughter-house" means any place used Tor ihe slaughter or catlle, sheep, goals, kids or pigs, or hens, fowls, chicken, ducks, turkeys or any other eatable birds Tor the purpose of selling the flesh thereof as meat;

'(81 A) "Slale Election Commission" means the Wesl Bengal Stale " Election Commission referred to in sub-section (1) of seciion w_{cst} b_cĂ3 of Ihe West Bengal State Election Commision Acl, 1994; Act vin or 1994,

'Clause (81) was inserted by s. 4(l)(c) of the West Bengal Municipal Corporation Laws {Third Amendment) Aei, 1994 (Wcsl Ucn. **AM XXXVI** of 1994),

(S2) "street" means a public or private street; "sircci",

(83) "street alignment" means the line dividing Ihe land comprised '-$s t_{rcL}$.i in and forming pan or a street from the adjoining land, alignmem".

'(83 A) *"i/tika* tenant" .shall have the same meaningas in the-[Kolkata] *Thika* Tenancy (Acquisiiion and Regulation) Act. 1981;

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

PART II

CONSTITUTION AND GOVERNMENT

CHAPTER II The Municipal Authorities

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EMPOWERING LEGAL CLARITY

3. The following shall be tlie municipal authorities for the purposes of carrying out the provisions of this Act, namely;ð

(a) the Corporation,

(b) Ihe Mayor-in-Council, and "

West Hen. Act XXXVII ofl9K1,

(c) the Mayor.

4. (1) Wjih effect from such dale as the State Government may, by notification, appoint, [here shall be a Corporation charged with ihe municipal govern men I of -(Kolkata J, lo be known as the Kolkata] Municipal Corporation.

(2) The Corponrtia n sli al 1 be a body co rpo ro tc w i I h perpetu al succession and a common seal, and may by ils name sue and be sued.

(3) Subject lo the provisions of this Acl, the Corporation shall be entitled lo auquire, hold and dispose oT properly.

The municipal authorities.

5. -(') The Corporation shall consist of the following members, namely:ð

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

'Clause (83 A) was insened bv s.2 of ihe Calcutta Municipal Corpumlion {Amendment) Acl, 19 S3 (West Ben. Act XXXII of 1983).

:.SVr (Vyi-nctc 2 on page ,V;\

y'Sub-section ([) w^s substituted Tor ihe original by s. 4(2)(a) of the Wcsl Bengal Municipal Corporation Laws (Third Amendment) Acl. J 994 (Weil Ucn. Acl XXXVI of 1994), Prior lo ibis substitution Iherc were following changes in the original sub-seelion (1), namely:ð

(n) in clause (a) the words "one hundred and forty-one" wo rcsubsli lined Torlhc - words ""one hundred" by s, 3(a)(i) of the Calcutta Municipal Corporation (Amendmcnl) Ael. (183 (Wcsl Ben, Acl XXXN of I9S3),

(b) in clause (c) llic word "cvci. was substituted for the word "five"' by 5. 3(a)(ii), *ibid,* and

(c) sub-clause (i) was substituted for ihe original by s. 3 of llic Calcutta Municipal Corporation (Second Amendment) Acl. 1984 (Wcsl Ben. Act v 11 t . r i

The Corpitralion. Constitution of Ihe Corporation.

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EMPOWERING LEGAL CLARITY

(b) such persons having special knowledge or experience in municipal administration as ihe Stale Government may nominaie from lime to lime:

Provided lhal such persons shall nol have Ihe righl lo vole in ihe meetings or Ihe Corporalion.

(2) The '[one hundred and forty-one] Councillors referred lo in clause (a) of sub-seel ion (1) shall be clectcd by lhc constiluencies, each constituency electing one Councillor, and fortius purpose each ward of lhc Corporalion described in Schedule II shall constitute a constituency.

2 * # * # V iIJ

Elcclion of Mayor and Chairman.

6. The elected members of ihe Corporation shall elect from amongst themselves,-ð

(a) al the first meeting of the Corporation after a general election,ð

(i) one member lo be ihe Mayor, and

(ii) one member to be the Chairman, and

(b) so often as a vacancy in the office of ihe 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 ihe Mayor or the Chairman, as the case may be,

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

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Term of office or Mayor and Chairman,

7. (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 Lo the Corporalion, 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 Corporalion;

(c) may be removed from office by a resolution carried by a majority of the lolal number of elected members of ihe Corporalion al 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 thai no such resolution shall be moved before the expiry of six months from the date of assumpting of office by a Mayor or a Chairman, as the case may be:

'The words wiihin lhc square brackcLS were substituted Tor lhc words "one hundred" tiy 5, 3(b) or ih« Calculla Municipal Corporalion (Amcndmcnl) Acl, 1983 (West Ben. Act XXXII of 1983).

'Suh-scclion (3) was omillcd by s. 4(2)(b) of lhc Wcsl Bengal Municipal Corporalion f . >tl : . t i.

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COURT BOOK
EMPOWERING LEGAL CLARITY

Provided further that if such resolution is not carried by a majority of lhc total number of elected member."; of (he Corporation, no further resolution for the removal of the Mayor or the Chairman, as the case may be,shali be moved before (he expiry of a period ofsix months from the date on which the former resolution was moved.

(2) Notwithstanding the provisions orsub-sect ion (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 ihe provisions ofsub-section (1), shall continue to hold office as such until his successor, electcd under the provisions of (his Chapter, enters upon his office.

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Constitution of the Mayor-in-Cauncil.

8. (1) There shall be a Mayor-in-Council consisting of Lhc Mayor, the Deputy Mayor and not more than (en other elccied members of \hc Corporalion.

(2) The Deputy Mayor and the other members referred to in subsection ([) shall be nominated by the Mayor from amongst the elecled members of the Corpora(ion 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 ihe officc of" the Deputy Mayor or the other member of the Mayor-in-Council referred to in sub-seciion (1) by reason of death, resignation, removal or otherwise shall be filled up by (he Mayor:

Provided thai no acl or procedings of (he Mayor-in-Council shall be galled in question orshall become invalid merely by reason ofany vacancy in il.

(4) The manner of transaction or 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.

Term of DITICC of Deputy Mayor and other members of Mayor-in-Council.

(Par! U,—Constitution and Government.—Chapter it.—The Municipal Authorities.—Section JO.)

Municipal Commhicc

10. (L) The Corporation shall, in its first meeting in each year or as soorl ns 111 a_v ;tn-y nice ling subsequent Lhcrcio, constituteaMunicipal Accounts Committee.

(2) The Municipal Accounts Committee shall consist ofð

(a) such number or persons, not being less than five and more than seven, as the Corporation may determine, to be elected by [he 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 al such election shall be by secret ballot. The members of ihe Mayor-in-Council shall not be eligible for such election: and

(b) such number of persons, nol being the members, officers or employees of the Corporation and nol exceeding two in number, having knowledge and experience in financial matters, as may be nominated by iheCorporation.

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

(4) Subjcci to the other provisions of this Act, ihe members of ihe Municipal Accounts Committee shall hold office unlil ;i new committee is constituted.

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(d) lo consider the report of [lie auditors in cases where the Corporation requires them to couduct a special audit of any receipt or expenditure of Ihe Corporation or lo examine the accounts or stores and slocks of the Corporalion or to check the inventory of the properties of ihe 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 documeniif, in its opinion, such bookordocument 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 its work,

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

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

11, (1) The Corporation shall, at its first meeting after a general Borough election or as soon as may be at any meeting subsequent thereto, group Ihe Commilti;w wards of the Corporation which are contiguous into '[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 oT the Councillors, -ltI * * elected from the wards constituting the borough:

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

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

(4) The members ofeach Borough Committee shall elect from amongst ihemsclvcs one member to be iis Chairman "[who shall not be a member or Lhc Mayor-in-Council or the Chairman or the Chairman or the Corporation!.

'The wort) within the square brackets was substituted for the word "ten" by s. 4 of the Calcutta Municipal Corporation (Amendment) Acl. 19S3 (Wcsl lien. Acl XXXII of 19SJ).

The words and figure other than the Chairman elected under see: ion 6 and i he Mayor and (he Deputy Mayor," were omitted hy s. 4(1){a) of the Wesl Bengal Municipal Corpora I ion Laws (Third Amendment) Acl, 1994 (West Ben. AclXXXVl of 1904). Priurin litis omission the words "and ihe Mayor and lite Deputy Mayor," were substituted for lhc words and figures "and [he members nominated under section 93 and lite Councillors who are members of llic Mayor-in-Council," by s. 2 or thi; Calcutta Municipal Corporalion (Amendment) Act, 1985 (West Ben. Acl XXItt of 1985).

'The woiils w iihin the square brackets were inserted by s. 4(3)(b) of ihe Wesl Bengal Municipal Corporalion Laws (Third Amendment) Acl. I'J'.M (Wot Den. Act XXXV] or 1994).

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(Pari II,—Constitution and Government.—Chapter II.—The Municipal Authorities.—Sections HA, 12 & 13.)

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(5) The Chairman may at any time resign his office by giving notice in writing lo lhe Mayor and ihe resignation shall lake effect from lhe dale of ils acceptance by lhe Mayor.

(6) A Borough Committee shall, subject to the general .supervision and control of the Mayor-in-Council, discharge, wilhin lhe local limits of Ihe borough, the funclioiis of lhe Corporation relating **Ib** provision of supply pipes and sewerage and drainage connections lo premise*, removal of accumulated water on sirecis or public places due lo rain or otherwise, collection and removal of solid wastes, disinfection, provision of health immunization services and *bustee* services, provision of lighling, 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 lime lo lime, determine by regulations.

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

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

'11A. (1) Each ward ofthc Corporation shall haveaWardCommittee,

Ward Com mi l lee.

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

(3) The Councillor elected from a ward shall be the Chairperson of the Ward Commiliee for lhai ward.

12. (1) The Mayor-in-Council may constitute such number or Municipal Consultative Commiliees and for such periods as ii may deem fit.

Municipal Consultative Cpmininccs.

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

(3) ThemanneroflransaciionofbusincssofaMunicipal Consultative Commiliee shall be such as may be specified by the Mayor-in-Council,

13. The Mayor, lhe Chairman referred lo in section 6, the members of the Mayor-in-Council, and the members of Commiliees constituted in accordance with the provisions of this Chapter shall be given such remuneration and facilities as may be '[determined by the Corporation],

Remuneration and facilities of Mayor. Chairman, members of tfic Mayor-in-Council and members of Com minces under this Chap'icr,

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EMPOWERING LEGAL CLARITY

CHAPTER III Organization of the Corporation

A. *Officers and other employees of the Corporation*

14. (1) Save as otherwise provided in the Act, lhc Corporation shall Officers have the following officers, namely:ð Como r

(a) ihe Municipal Commissioner, '
(b) such number of Joint Municipal Commissioners as Ihe Mayor- in-Council may, from lime lo lime, determine, Å
(c) the Controller ofMunicipal Finances and Accounls,
(d) the Chief Municipal Auditor,
(e) the Municipal Engincer-in-Chief,
(0 such numberof Deputy Municipal Commissioners and Chief Municipal Engineers as ihe Mayor-in-Council may, from lime lo lime, determine,
(g) the Chief Municipal Archiiecl and Town Planner,
(h) the Chief Municipal Heallh Officer,
(i) the Chief Municipal Law Officer, and
(j) the Municipal Secretary. "

(2) The Municipal Commissioner, a Joint Municipal *Commissioner,* ihcConlrollerof Municipal Finances and Accounls and theChicf Municipal Auditor referred to in sub-section (1) shall be appointedð

(a) by the Stale Government in consultation wiih the Mayor-in-Council, by notification, from amongst persons who are or have been in the service of Government, or
(b) if so directed by ihe Stale Government, by ihe Mayor-in- Council in consultation with the Slate 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 ihe service of ihe Corporation:

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

Provided further thai ihe Stale Government may, in consultation with iheMayor-in-Council, extend the period of appointment from lime to time, so, however, that the lolal period of extension shall noi exceed five years.

(3) The other officers referred loin clauses (e) to (|) of sub-section (1) shall be appointedð

(a) by theMayor-in-Council in consultation with the Stale Public Service Commission, or
(b) by the Slale Government in consultation with the Mayor-in-Council, by notificalion, from amongst persons who are or have been in the servicc of Government, if the Mayor-in-

fminr-il cr«

'Provided thai no Government employee above 60 years of age shall be appointed.

(4) **The melliod of. and ihe qualifications required for, recruitment,** and the terms and conditions ofservice including conducL, 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 Slate Government may, at any Lime in Lhe case or any person nppointcd under clausc (a) of sub-seciion (2) as the Municipal Commissioner or as a Joint Municipal Commissioner or as Lhe Controller ofMunicipal Finances and Accounts or as the ChierMunicipal Auditor or appointed under clausc (b) of sub-scuion (3), terminate his appointment as such:

Provided that if, in (lie cast! of any such officer, (tie Mayor-in-Council so decides, the SLate Government shal I termi nate the appointment of such officer. .

(6) Notwithstanding anything contained in sub-scction (2) or subsection (3), prior approval of lhe State Government shall be necessary in Lhe case of appointment of a person nol recommended by Lhc Slate Public Scrvice Commission.

Salary imd other condiiions of ^rvicc nf Municipal Com mis-sions.ind <nhn **officers.**

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

(2) Leave may be gran Led by lhc State Government to the officers appointed under clause (a) of sub-section (2), or clause (b)of sub-section (3), of section 14 oil the recommendation of Lhc Mayor and where such . leave is granted lo any such officcr, the State Government shall appoint another person to officiate in his placc,

{3} If any of the officers referred loin sub-section (1) is in ihe service of Government the Corporalion shall make such contribution towards his leave allowances, pension and provident fund us may be required by or under lhe conditions of his service under Government or Lhe terms and conditions of his scrvice under the Corporation, as the ease may be, lo be paid by or for him.

'Proviso sv:i5 acMfd fay s. 3 of iJic Cnlcuiui Municipal Cuipom:ion (Amendment) Acl, 1996 (West Ben. Acl VI of 1996).

(4) If tiny of lhe officers referred loin sub -scction (1) of section His noi 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 thatð

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

(b) lhe conditions of grant or such leave and the conditions or superannuation or retirement shall in no ease, except with lhe spccial sanction of the Stale Government, be more favourable than those Tor the time being applicable lo such Government servants.

hilling of casual vacancies in the posts cf c f lux' i sppoinlcd by ihe Stale Govern m en l.

16. K any vacancy occurs in (he office of any or Lhe officers referred to in clausc (a) or sub-section (2), or clause (b) or sub-section (3), of section 14 by reason ordeath, resignation, removal or otherwise, the State Government may in consultation with the Mayor-in-Council, appoint another person lo officiate in his place for a period not exceeding six monLhs.

Establishment or lhe Curporalion and schedule of posts.

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

(2) The Corporation shall, by regulation, classiry iheposls 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 or pay of such posts.

(3) The Corporation shall maintain a schedule or posts which shall include the designation and lhe number or posts undereacb designation of officers and employees constituting Lhe establishment of the Corporation and the schedule shall be in three parts of which Pan I shall include category A posts, Part II shall include category B posts and ParL 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 lhe proposals, if any, for such changes therein as he may consider necessary:

'Provided Ihni no upward revision of Lhc size of Lite establishment of lhc Corporalion shall be made wiliioul the prior sanction of ihe Slale Govcmmem.

(5) The Mayor-in-Council shall, afierconsideration oflhe scheduleof posls along with the proposals, if any, for changes therein, place the same along with its recommendations, if any, before the Corporation for approval before Ihe preseniation of ilie budget csiimale lo the Corporation by lhe Mayor.

(6) The Municipal Commissioner,shall revise the schedule or**posLs** as approved by the Corporation.

(7) The Mayor-in-Council may sanclion any category C posl or category D post, for a pcrid not exceeding six monllis.

18. **Subject to the other provisions ofthis Act, Lhc appointing authority in respecL of Lhe posts of officers and employees constituting Lhc establishment of the Corporalion shall be,—**

Appointing iiuihoriiits.

(a) in **Lhc** case of category A posts, Ihe Municipal Commissioner,

(b) in the case oT category B poll's, a Joint Municipal Commissioner, and ,

(c) in the case or category C posts and category D posls, such officer or officers or the Corporation as lhe Municipal Commissioner may, wiih the prior approval oflhe Mayor-in- Council, designate in ihis behalf.

Appointment lo category A posls, category 13 posts, cjlugary C posls and eairgory D posls.

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

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

(3) Notwithstanding anything contained in sub-section (I), prior approval of the State Government shall be necessary in the case of appointment of a person nol recommended by the Municipal Service Commission.

Service Regulations,

20. The nicihod of. and ihe qualifications required for, recruitment lo category A posts, category B posls, caLegory C posls and category D posts and the terms and condiiions or service of persons appointed thereto including pension, grutuily and provident fund shall be delermined by regulations.

'Proviso was added by s. 4 of lhc Calculia Municipal Corporation (Amendment) Acl, 1996 (Wesl Hen. Acl VI of 19%).

21. (1) Unless Lhcrc is anything to lhe contrary, lhe whole lime or an officer or employee of the Corporation shall be at the disposal of the Corporaiion and lie may be employed by lhe Corporation in such manner as it thinks fit. Such officer or employee may also be transferred from one es post lo another carrying an identical scale of pay, Comro], ^o'ndut of officers employe

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

'(3) Any officeroremployceorthe Corporation as may bedelermined by regulation, may be censured, fined, penalised by withholding of incremental' promotion temporarily or permanently, pen it! bed by recovery from his pay or the whole or part of any pecuniary loss caused by him to the Corporation, reduced to a lowner stage in the time-scale of pay for a specified period, reduced to a lower lime-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, ,

[:](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 lhe Corporation.

[J](3B) (i) An employee of the Corporation who is detained in custody Tor a period exceeding 48 hours on a criminal charge, may be suspended by an order of the appointing authority with eflccl from the date or his detention and such employee shall remain uuder 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 lieð

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

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

'Sub-seclion (3) was substituted Tor lhe original by s. 5(a) of llic CaleuHa Municipal Corporaiion (Amendment) Acl. 1996 (West Hen, Acl VI of 19%)-

[5]S lib-see lions (3A) nnd (3B) ivcrc inserted by s, 5(b), ***ibid.***

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

(d) lo a Joint Municipal Commissioner in the case of an officcr or employee holding u category C post or a category D posl.

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

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Contribution in respect of leave allowance, pension or provide nd fund to employees (if Government or statutory body appointed to be officers or employees or (he Corporation.

22. When a person in the servicc of Government or of a statu lory body is appointed lo be an officer oihcr than an officcr referred to in sub-section (1) of section 15, or an employee, of the Corporation, the Corporalion shall make such contributions towards his leave allowance, pension and provident fund us may be required by or under the conditions of his servicc 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 hirn. "

Age of superannuation of officers and employees or the Corporation.

23. Notwithstanding anything in this Chapteror elsewhere in ihis Act or in any rules or regulations made thereunder, the age of superannuation or officers and employees of the Corporalion shall be determined by the State Government and no such officer or employee shall, after retirement, be reemployed in any post wilhoul the prior sanclion of the State Government.

Dispensation of consultation with State Public Servicc Commission or Municipal Scrvicc Commission,

24. Notwithstanding anything contained in Ihis Chapter, it shall not be neccssary to consult the State Public Service Commission or Ihe Municipal Service Commission, as the case may be, in the case of appointment of a person as an officer or employee of liie Corporation,ð (a) ir the person to be appointed is or has been in the service of Government, or {b) if the posi 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.

'The words wiiliin the square brackets were subslilulctl by s. 5(c) of the Calcutla Municipal Corporation (Amendment) Act. 1996 (Wesl Ben. Acl VI of 1996).

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LIX of 1980.]

(Part I/.—Constitution and Government.—Chapter HI.— Organization of the Corporaiion.—A. Officers and other employees of the Corporation.—Section 25.)

Dismissal of officers and employees or lhe Corporaii on under cenain circum-slances.

25. (1) Ifany officer or employccof (he Corporation is habitually in debi or acquires directly or indirectly by himself or by any officer or employee of lhe CorporaLion any share or interest in any contract with or on behalf of the Corporation, such officcr or employee shall be dismissed by his appointing authority:

Provided that for lhe purpose of ihis sub-seciion, any debt owed by an officer or employee of the Corporaiion to a co-operative society or a body corporate constituted or established by or underany enactment in forcc for lhe time being shall not be taken into consideration:

Provided further thai nothing in this sub-section shall apply lo the acquisition by an officer or employee of the Corporation of any share or iniercst in any company, incorporated under any enactment in force for the time being, which contracts with or is employed by the Corporaiion.

(2) Ifnny officcr orcmployec of the Corporation is, aflerihc commence-ment of ihis Act, convicted of an orrcncc against the Slate ororan offence in vol ving moral lurpiludeand issentenced cither to rigorous imprisonment for any term or to simple imprisonment for a term of not less lhan six months, he shall be deemed to have been dismissed from lhe service of the Corporation wilh effect from the date of such conviction.

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

(4) The Stale Government may, of its own motion or on receipt from an officcr or employee of the Corporation deemed to have been dismissed under sub-section (2), an application accompanied by a certified copy of lhe judgement relating lo the conviction resulting in such dismissal, by order in willing, exempt such officer or employee from the operation of-sub-sec lion (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 lhe term of imprisonment.

(5) An application under sub-seciion (4) may be made io the Slale Government wilhin two months from the date of conviction. Such application shall be disposed or by the State Government wilhin three months of its receipt.

*Explanation.*ð The expression "offence against the Stale" shall mean an

45 of 1H6Q. offence included in Chapter VI or Chapier VII of the Indian Penal Code.

(Part 11.—Constitution and Government.—Chapter HI.— Organization of flic Corporation.—B. Municipal Service Commission. —Sect ion 26.)

B. *Municipal Service Commission*

Cunsiiiulion oT Municipal Service Commission.

26. (1) The Corporation shall, as soon as may be after Lhe commencc- mem of this Acl, constitute a Municipal Service Commission consisting ofð

(a) a Chairman, and

(b) **'[three] other members,**

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

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

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

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

y\5A) Notwithstanding anything to the contrary can mined elsewhere in this Act or in any other law for the lime being in force, lhe Municipal Service Commission constituted under sub-section (1) shall also select such personnel for Lhe Howruh Municipal Corporalion constituted under the Howrah Municipal Corporation Act, 1980'[or lhc Siliguri Municipal Corporation constituted under Lhe Siliguri Municipal Corporation Acl, 1990,or the Asansol Municipal Corporation constituted under the Asansol Municipal Corporation Act, 1990, or the Chandernagore Municipal Corporation constituted under lhe Chandernagore Municipal Corporation Act, 1990, or the Durgapur Municipal Corporation constituted under lhe Dnrgapur Municipal Corporation Acl, 1994], or any municipality or notified areaconslitutcdunderlhe Bengal Municipal Acl, 1932 as the Stale Government may, by notification, determine from time lo lime.

WeM Ben. AclLVlll or 1980. West Ben. *Act* XXX or 1990. West Ben. Act XXXI of 1990. West Ben. Acl XXXII of 1990. Wcsl Ben. Acl LI II of 1994, Ben. Acl XV or 1932.

'The wa rd w i i hi n I he s qu arc h:2ckcl.s was v'jbMiuiLc<: J or lhc word hy x 6(j) of lhc Calcutta Municipal Corporalion (Amendment) Act, 1996 (Wcsl Ben. Act VI of 1996).

The words within the square brackets were substituted for the wuiiis "and one member shall be nominated by the Stale Government." by s. 6(b), *ibid.*

y"The words within lhc square brack els were substituted for lhc words "three yean," by s. 5(1) of the Calcium Municipal Corporation (Amendment) Act. 2001 (Wcsl Ben, Act Vtll of 2001).

[1]S ub-scc l i on (5 A) was insen cd by s. 3 a f the Calc u lla Mu n i e i pal Corpo m lio n (Am end me n l) *Aci.* 1988 (Wcsl Ben. Acl XXI of 19SH).

[1]Tlic wards and figures within the ,«juare brackets were sub si i luted for llic words and figures "or I hi Chandernagore Municipal Corporal ion consumed under the Chandernagore Municipal Corporation Aci. 1955" by s. 5(2) or (he Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII or 2001).

(Part II.—Constitution and Government.—Chapter III— Organization of the Corporation.—B. Municipal Service Commission.—Section 27.—C. Municipal Vigilance Authority.—Section 27A.)

(6) The Corporaiion shall by regulations provide forð

. (a) Ihe salaries, allowances, ifanv, and conditions of service of lhe Chairman and other members of the Municipal Scrvicc Commission;

(b) lhe manner in which lhe Municipal Service Commission shall perform lhe duties imposed upon it by or under this Acl;

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

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

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Salaries and allowances of lhe members of ihe Municipal Scrvicc Commission nnd ils officers and other employees lo be pnid from Municipal Fund.

27. '(1) The salaries and allowances, if any, of lhe members of the Municipal Service Commission and the officers and other employees thereof shall be paid from Lhe Municipal Fund. -

[1](2) The Stale Government may, by notification, fix lhe amount of contribution payable by Lhe Howrah Municipal Corporation -[or the Siliguri Municipal Corporation or the Asansol Municipal Corporation] or the Chandemagore Municipal Corporation Ã[or the Durgapur Municipal Corporation] or any municipality or noLified area authority, as the case may be, in respect or services rendered by the Municipal Service Commission constituted under sub-section (1) of section 26 for selection oflheir personnel undersub-section (5 A) or section 26 and such contribution shall be credited to the Municipal Fund or the ""[Kolkata] Municipal Corporation.

[i]*C. Municipal Vigilance Authority*

Municipal Vigilance Authority.

[S]27A. (1) The Stale Government shall, by notification, and on .such terms and conditions as il thinks fit, appoint a person as the Vigilance Authority rorinquiringinio any complaint ofcorruplion, misconduct, lack or integrity or any oiher kind of malpractice or misdemeanour on the part of any officer or other employee of the Corporation:

Provided thataperson appointed as the Vigilance Authority shall hold office Tor a term of two years which may be e3 I ended Tor a period not exceeding one year and shall, on Lhe expiration of liis term of office, be ineligible for re-appointment to dial office:

Provided farther (hoi no Councillor or Alderman and no officer or other employee or lhe Corporation shall be eligible lobe appointed as the Vigilance Authority.

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

*Explanation !.*ð "Member of an All-India Service" shall mean any person appointed to ail All-India Service,

*Explanation 11.*ð "All-India. Service" shall have the same meaning as in section 2 of Ihe 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 Stale Government may sanction and on such terms and conditions as the State Government may determine:

Provided that no member of the Corporation ororaCommittee thereof and no officcr or other employee or the Corporation shal I be el igi b le to be appointed as an officer or other employee under the Vigilance Authority.

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

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

(6) The powers and functions or 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 ease of non-acceplance or partial acceptance or acceptance in a modified form or any recommendation or the Vigilance Authority by the Corporation, [the Corporation shall refer lhe matter to the Slate Government for decision, and ihe decision or the Stale Government thereon shall be final.]

'Sub-section (2) was substituted for the original by s. 3 of the Calcutta Municipal Corporaiion (Amendment) Ai;i. 1997 {West Ben. Acl XXVI of 1997).

The words within ihe square brackets were substituted for lhe words "the Corporaiion. i T il considers ncccssiry. may refer any such ease lo [he State Government for approval." by E. 7 of lhe Calcutta Municipal Corporation (Amendment) Acl, 1996 (Wcsl Ben. Acl VI of 1996).

3Sct' Tool-nole 2 on page 573. *ante.*

'Section 27A along with the sub-heading was inserted by s. 2 of ill- Calcutta Municipal Corporation^ Amendment) Acl. 1992 (Wcsl Ben. Acl IX ot 19921.

CHAPTER IV

Powers and functions or the municipal authorities and the officers of lhe Corporation

A. *Powers and functions of the Corporation*

General powers of lhc Corporalion.

28. Subject to lhe provisions of this Act and the rules and the regulations made thereunder, Lhc municipal government of '[KolkataJ shall vest in the Corporation.

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Obligatory functions of the Corporalion.

29. The Corporation shall, having, regard to the available resources, provide civic services including water supply, sewerage and drainage, solid waste management, and construction and inainienanceof streets, and shall enforce lhe provisions of this Act and if so required by any other law in forcc for the lime being, ihe provisions or such law relating ro 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 il shall be incumbent on the Corporation lo make adequate provisions, by any means or measures which ii may lawfully use or take, for each of the following mailers:ð

(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;

-(aa) providing, by ilsel f or by an agency, means of supply of water for firefighling purposes;

-{aaa) measures as may be required for fire prevention and fire Wcsi Ben safely under the Wesl Bengal Fire Services Act, 1950, and the rules made thereunder;

Act XVIII of 1950.

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

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

(d) the reclamation of unhealihy localities, theremovalof noxious vegetation and generally the abatement of all nuisances;

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

[i] *Sec* fool-rime 7 on page 573. *ante.*

^Clauses (aa) and (am) were inserted by s. 8 of (he Calculla Municipal Corporation (Amendment) Acl. 1996 (West Ren. Act V] of 19W|

(0 lhe lighting, watering and cleansing of public streets and other public places;

(g) lhe removal orobstructionsand projections in orupon streets, bridges and other public phccs;

(h) the naming and numbering or 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 or dangerous buildings and places;

(1) lhe regulation or underground building operations; '

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

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

(0) the lying DU! or the maintenance OR public parks, gardens or recreation grounds;;

(p) Lhe registration or births and deaths;

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

(r) measures forprcvcntingandcheckingthespreadofdangerous diseases;

(s) public vaccination of inoculation;

(1) the organization ormanagemeittorchcmical or bacteriological laboratories for examination or analysis or waier, food and drugs for lhe detection ordiseases or research connected with community health or medical relief;

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

(v) Lhe regulation and abatement or offensive or dangerous trades or praclices;

(w) lhe maintenance of all monuments vesled in Lhe Corporation;

(x) the maintenance and development or ail properties vesled in or entrusted to lhe management of Lhe Corporation;

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

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(z) lhc compilation and maintenance of rccords and statistics relatinglo the administration andfunclions of the Corporation under this Act; and

(za) the fulfilment of any oilier obligation imposed by or under [his Acl or any olhcr law inforce for lhc time being.

30. Subject to lhe availability of resources, the Corporation may, al its discretion, provide either wholly or in pan Tor all or any of the following matters:—

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

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

(c) Lhe surveys of buildings and lands;

(d) lhe civic recepiion Id persons of distinction;

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

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

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

(h) the construction and maintenance of— Discretionary functions of the corporalion.

(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 desliiuies and disabled person,

(i) the construction and maintenance of cattle pounds

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

(k) any measures for [lie welfare of (he officers and employees of the Corporaiion or for any class of tiiem including the sanctioning of loans lo such officers and employees Tor construction or houses and purchase of vehicles;

(I) the eslablishmcnL and mainiennnceorhospiluls, dispensaries, maternity and child welfare centres, and lhe currying of oliier 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 oLher institutions designed Tor the improvement ofcommunity health;

(n) the construction and maintenance of warehouses and godowns; (o) Lhe construction and maintenance of garages, sheds and stands Tor 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 safely, health, sanitation '[orderly urban growth, economic development and social justice and to prevent cruelty to animals.]

Power orihc **3i. (i) The Corporation may at any time call Tor extracts from the** Corporation .. , .. **to call for proceedings or any of its commiltecs or for any return, statement, accounts from**[C15] **or** [re]**P**[or| comiec|e]**d** [w]**lh any inatler with which such committee is proceedings, empowered Lo deal, and such committee shall furnish such extracts, return,** [clc] **statement, accounts or report without any delay.**

(2) The Corporation may at any lime require the Mayor—

(a) lo 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 Ihe office of any officer or employee of lhe Corporation;

(b) to furnish any return, plan, estimate, statement, accounts or statistics concerning or connected with the municipal governmen of-[Kolkata];

'The words, wilhin [he square hrackcls were substilulcd for lhe words "and orderly urban growth" by s. 4(5) of lhe Wcsl Bengal Municipal Coporalion Laws (Third Amendment) Acl, 1994 (Wcsl Ben, Acl XXXVI of 19SM),

'A'C fnoT-nrtlf* nn r^nn ^71 nur,'

Provided that lhc Mayor shall nol be bound lo comply with any such requisition if he makes a statement thai sucli complinncc would, in his opinion, be prejudicial (a the public interest or to the interest of lhe Corporalion.

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

B. *Powers and functions of the Mayor-in-Council*

33. (1) Subject to lhe provisions of this Act and the rules and the regulations made iherender, the executive power of lhe Corporalion shall be exercised by the Mayor-in-CouriciJ,

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

Aulhenliea-Lion oT orders, elc, or llic Corporalion,

C. *Powers and function of the Mayor*

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

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

executive pa wer ofihc Corporation lo be exercised by Mayor-in-Council.

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

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

General powers of the Mayor.

36. (1) In any case in which ii is provided in this AcLonhe regulations made thereunder or in any other law in force for the time being that the Mayor shall take action subject lo ihe approval, sanction, con.sent or concurrence oT the Mayor-in-CounciJ, lhe Mayor-in Council may authorise lhe Mayor in writing to lake action in anticipation of such approval, sanction, consent or concurrence, subject to such condiiions. if any. as may be specified by lhe Mayor-in-Council.

Mayor to preside over meetings of Itic Mayor-in-Council,

Exercise or powers by lhe Mayor in anticipation of lhc Mayor-in-Council's approval.

(Pari If.—Constitution and Government.—Chaprer IV.—Powers and functions of ihe municipal authorities and the officers of the Corporation.ₒ C. Powers and functions of the Mayor.—Sections 37, 38.—D. Powers and functions of the Municipal Commissioner.—Section 39.)

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(2) Whenever the Mayor lakes any action under sub-seciion (1), he shall inform the Mayor-iu-Council of such action forthwith.

Powers or ihe Mayor in cjncrgf ncy.

37. If the Mayor is satisfied that an emergency has arisen and is of the opinion that lhe immediale execution of any work or the doing of any which ordinarily requires the approval, sanction, consent or concurrence ofiheCorporalionorlhcMayor-in-Council,isnecessary forthe maintenance ofservices or safely of lhe public or for the prevention of extensive damage lo any properly of lhe Corporaiion, lie may direct lhe execuiion of such work or Lhe doing of such acl without such approval, sanction, consent or concurrence and, in such case, he may direct lhat lhe expenses for such execuiion or doing shall be paid from the Municipal Fund:

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

The Deputy Mayor lo nci as Mayor or io discharge his fund ions during casual vacancies in llic office, or during lhe absencc. of Mayor.

38. (1) In lhe eveni of lhe occurence of any vacancy in the office of Lhe Mayor by reason of his dealh, the Deputy Mayor shall acl as Mayor uniil the dale on which a new Mayor elected in accordance wilh the provisions of ihis Acl io fill sueh vacancy enters upon his office.

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

(3) Subject to the otherprovisions of ihis Act, the Deputy Mayorshail, while acting as, or discharging llie Tunciions of, lhe Mayor under this section, have all the powers of lhe Mayor.

D. *Powers and functions of the Municipal Commissioner*

Powere and functions of the Municipal Commis-sioner.

39. (1) The Municipal Commissionershiili be the principal cxecuiivc officer of lhe Corporation and shall, subject to the supervision and control of the Mayor,—

(a) exercise the powers and perform lhe functions specifically conferred or imposed upon him by or under this Act or by any oiher law in force forthe lime being;

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

(2) All officers ajidemployees of lhe Corporaiion shall be subordinate io Lhe Municipal Commissioner.

(Part II.—Constitution and Government.—Chapter IV.—Powers and functions of the municipal authorities and the officers of the Corporation.—D. Powers and fmctions of the Municipal Commissioner. —Sactions 40, 41.—E. Powers and functions of the Municipal Secretary.—Section 42.—F. Works and Contracts.—Sections 43. 44.)

40. The Municipal Commissioner shall be responsible Tor lhc custody of all records other Lhan papers and documents connected with the proceedings of Lhe Corporation ;md the Municipal Accounts Committee, and shall preserve the same in such manner and for such period as may be determined by regulations.

41. (1) Assoonasmay be after the 1st day of April every yearand not later than such date as may be fixed by lhe Stale Government, the Corporation shall submit to the Stale Government a detailed report of the municipal government of '[Kolkata] 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 lo the Slate Government with its resolution ihereon, if any.

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

The Municipal Coin m is-sioncr in ht; cuslodian of records.

E. *Powers and functions of the Municipal Secretary*

42. (I) The Municipal Secretary shall be the Secretary to Lhc Corporation and lhe Municipal Accounts Committee, and shall exercise such powers, and discharge such functions as are conferred on him by or under this Acl 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 Lhe Municipal Accounts Committee, and shall preserve lhe same in such manner and for such period as may be determined by regulations.

Annual Report a(lhe Corporation.

F. *Works and Contracts*

43. The Mayor-in-Council may determine either generally or Tor any class or cases or specially for any particular ease whether lhe Municipal Commissioner shall execute any work by a contract or otherwise,

Excculion of works.

44. (1) When a project is framed Tor the execution or any work or series of works, lhe Municipal Commissioner shall cause a detailed report to be prepared slating the scope of Lhe project, its tech no-economic viability and its social benefits and shallpreparean estimate, the sanctioning authority in respect of which shall be—

Sanction of Powers and estimates. functions of lhc Municipal Sccrclnry.

'Siri4 foot-noic *2* on page 573, *ante.*

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4 Calcutta Municipal Corpo ration (A mend men l) Ordinance, 1595 (W est Ben. Ordltl of] 595)

which have no practical relevance as no amendment promulgated by an ordinance can be incorporated in an Acl. However, onaclments made by lhe above amendment Acl lo seciion 44 may be avoided keeping uninterrupted the original set of words on which amendments were made.

The words within the square bract els were substituted for ihe words "fifty lakhs of rupees." by s. 4 of the Calcutta Municipal Corporation (Amendment) Acl, 1997 (West lien. Acl XXVr of 1997),

(Pari It,—Constitution and Government.—Chapter IV.—Powers and functions of the municipal authorities and the officers of the Corporation.—F, Works and Contracts.—Sections 45.)

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

*(b) the Mayor-in-Council, if the amount exceeds five lakhs of rupees; but does not exceed fifty lakhs of rupee.[1];, and (c) llie Corporation, if the amount exceeds[2] [one crore of rupees.)

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

Contracts, *45.* (I) Subject to lhe 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, Ihis Act.

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

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

(b) no such contract which under lhe provisions of this Act can not be entered into without the appro valor sanclion of any authority or officer under this Act shall be entered into by any officer referred to inclause (a) until and unless'such approval or sanclion 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 lhe 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 lo in clause (a) shall be reported by such officer to the Mayor-in-Council within one month of such contract. .

LIX of 1980.]

(Part II.—Constitution and Government.—Chapter IV.—Powers and functions of the municipal authorities and the officers of the Corporation.—F. Works and Contracts.—Section 46.— G. General.—Sections 47, 48.)

46. (1) **The manner** of **execution of contracts under this Acl shall be** Manner or **determined** by **regulations.** execution < **contracts.**

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

G. *General*

Exercise of powers and performance of fundi ens lo be subjeel lo sanction.

47. Save as otherwise provided in ihis Act, lhe cxercise of any power or the performance of any function conferred or imposed upon lhe Corporation or any oiher municipal authority or the Municipal Commissioner by or under this Acl, which will involve an expenditure, shall be subject to lhe following conditions—

(a) such expenditure, in so far as il is incurred in the year in which such power is exercised or such function is performed, shall be provided Tor under the budget-grant for thai 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 lime, after the close of the said year, such expenditure shall not be incurred without the sanction of the Corporation.

48. (|) The Corporation may by resolution delegate, subjeel to such conditions as may be specified in the resolution, any of its powers or functions lo the Mayor-in-Council.

deletion of powen* and functions.

(2) The Mayor-in-Council may by order delegate, subjcct 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) Subjeel to such standing orders as may be made by the Mayor-in- Council in this behalf,—

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

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

'The worik. figures and bra eke is wiUiin llic squire hrackcls were inserted hy s. 10 of [he Caleutla Municipal Corporation (Amendment) Acl, I99G (West Den, Atl VT of 1936).

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(4) Not wiihsiandi ng any Ihing conlai tied in Ihis sect ion, the Mayor- i n-Council, the Mayor, the Municipal Commissioner, or the other officer referred to in clausc (e) of sub-section (3), shall not delegate—

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

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

Doubts as io **49, If any doubt arises as lo whether any particular power or function**
Kon°/or **appertains lo any municipal authority or the Municipal Commissioner, the**
municipal **Mayor shall refer the matter to** (he **State Government and the decision**
' ' ihereon of lhe State Government shall be final.

chapter v

Election of Councillors '* * *

a. *Preparation of electoral rail and qualifications of Selectors and Coitnicllors, etc.]*

Election LO **[50. The superintendence, direction and control of the preparation of** Corporaiion. **electoral ro[]s f0r, and the conduct of, all elections to lhe Corporation shall vest in the State Election Commission.**

51. *[Disqualifications for registration in electoral roll.—Omitted by s. 4(6)(c) of Ihe IVWr Bengal Municipal Corporation Laws (Third Amendment) Act. 1994 (West Ben. Act XXXVI of 1994).]*

52. *[No person to be registered in the electoral roll for more than one constituency or for any constituency more than once.—Omitted, ibid.]*

53. *[The authority by whom electoral roll shall be prepared or revised and its staff.—Omitted, ibid.]*

54. *[Conditions of registration.—Omitted, ibid.]*

55. *[Meaning of ordiiutrily resident.—Omitted, ibid.]*

56. *[Preparation, revision and correction of electoral roll.—Omitted, ibid.]*

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57. *[Appeal.—Omitted, ibid]*

58. *[Bar to jurisdiction of civil court.—Omitted, ibid.]*

59. *[Making false declaration.—Omitted, ibid.]*

60. *[Qualifications for election as Councillor.—Omitted, ibid.]*

61. (1) **A person shall not be qualified - * * * for being a member** General **of any committee of the Corporation if he—** **lions for*™'**

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

(b) has voluntarily acquired the citizenship of a foreign Slate; commiucc. **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 ofproru under the Corporalion or is a plumber or a building architect or a building surveyor licensed under this Act; or

(g) is the Chai rman or a member or an officer or employ cc o f 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

'The words, in lAe marginal nolc, "Councillor or Alderman or" were omitted by 5, of lhe Wcsl Bengal Municipal Corporation Laws (Third Amendment) Acl, 1994 (West Ben. Acl XXXVI of 1994), .

Thi; words "forbcing ckcled a Councillor or Aldcnnan nr" were omi tied by s. ^(GJ(tl)(ii}, ***ihid.***

(j) is lhe President of the Tribunal of lhe Board of Trustees for the Improvement of'[Kolkala]oran Assessor of IhatTribunal or a Judge of the Court of Small Causes of '[Kolkataj 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

(1) fails to pay any arrears of any kind due by him, otherwise than as a trustee or an executor, to lhe 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 lobe due from him in the modified certificate; or (n) has been convicted by any court and sentenced lo 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 -tsonsfio. imprisonment or has been found in a proceeding under section75 of this Act Lo have committed a corrupt practice within Lhe meaning of this Act; or (p) being a candidate for election as Councillor under ihis Acl or an election agent or such candidate has failed lo lodge any prescribed return of election expenses or has lodged a return which is found, either by the Chier Judge of lhe Court of Small Cause of'[Kolkata] in a proceeding under section 75 of ihis Acl or by a Judicial Magistrate in a proceeding, to be false in any material particular:

Provided that—

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

(ii) the disqualifications under clause (n) shall ccase al the end of six years after the expiry of lhe period of imprisonment;

(iii) the disqualification under clause (o) shall cease at Lhe end of six years after lhe date of conviction or finding,

as the ease may be;

(iv) lhe disqualification under elausc (p) shall ccase at lhe endof six years after the dale of the election to which the retum of the election expenses referred to in the said clause relates.

Explanation.—**For the purpose of clause (iii) of the proviso, lhe date of conviction shall be deemed to be the date on which the period of limitation for an appeal from lhe 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 Stale Government by an order made in this behalf.

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Disqualitl ca-tion for being a Councillor on change of political parly by lhe Councillor.

'61A. (1) Notwithstanding anything to the contrary contained in this Acl or in any other law for the time being in force, such competent authority for the Corporation as may be appointed by the Stale Government by notification in this behalf (hereinafter referred to in ihis section as the competent authority), may, subjeel lo the other provisions of this seclion, declare, forreasons lobe recorded in writing, aCouncillorlobedisqualified for being a Councillor thereof, if—

(a) he is an elected Councillor set up by a rccogniscd political party and has—

(i) volunlarilygivenuphis membership of such recognised political party, or

-(iA) joined another recognised political parly, or

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

(b) '[he is an elcclcd Councillor 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 seclion without giving tosuch Councillorareasonableopportunity lo represent his case and, to be heard in person:

[West Ben. Act

(Pare 11.—Constitution and Government.—Chapter V.—Election of Councillors.—A. Preparation of electoral roll and qualifications of electors and Councillors, etc.— Section 61A.)

Provided further that an eiccted Councillor '[referred to in sub-clausc (t A), or sub-clause (ii), of clause (a)] shall not, on lhe competent authority being satisfied in this behalf, be declared to be disqualified, if—

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

(b) such Councillorclaims that he andanyotherCouncillors, who are the members, of such recognised political parly, constitute in the Corporalion a group representing a faction consisting or not less than one-third of the total number of Counci I lors set up by such recognised political party in the Corporalion and that all lhe Councillors constituting such group have voluntarily given up their membership of such recognised political part, or

(c) the former recognised political party of lhe 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 parly 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 opled 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 Corporalion from the dale of such declaration.

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(3) As soon as may be within one month from the date of the first meeting of the Corporalion or within one month from the dale on which this seciion comes into force, as the case may be, the elected Councillors

(Part II—Constitution and Government.—Chapter V.—Election of Councillors.—A. Preparation of electoral roll and qualifications af electors and Councillors, etc.—
Section 6IA.)

set up by lhe recogniscd political panics shall, by adopting a resolution,
selccLone Councillor From amongst themselves io be the Leader and such Leader shall, within fifteen days from the dale of such selection, furnish lo the competent authority referred to in sub-section (1)—

(i) a copy of (he resolution,

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

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

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

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

(4) Where there is only one elected Council lor set up by a recognised political party in a Corporation, he shall furnish lhe documents referred to in sub-section (3) in relation to himselfi

Provided that in lhe event of any increase in lhe 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 Corporaiion was held or this section came into force, as lhe ease may be, on the dale on which such increase look place.

(5) A Counci Nor not belonging to any recognised political party shall furnish a statement to that effect to lhe competent authority within one month from the date of the first meeting of Lhe Corporation.

(6) In lhe event ofanychangc of the information fumihed under subsection (3), sub-seciion (4) or sub-section (5), the Leader or iheCounci llor,
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 Lo in sub-section (3), who is a member of a recognised political party, may at any lime Tile a petition endorsed by the General Secretary, or, if there is no General Secretary, the Secretary, of the

(Part II.—Constitution and Government.—Chapter V.—Election of Councillors.—A. Preparation of electoral mil and qualifications of electors and Councillors, etc.— Section 61 A.)

COURT BOOK
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district unit of such recognised political party Lo (he competcni authority, staling that—

(a) one Dr more Councillors who are lhe members of such recognised political parLy have—

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

ˈ(iA) joined another recogniscd political party, or

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

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

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

. and should be removed from the Corporation.

(S) Every petition referred lo in sub-scclion (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, ifany, on which thepetitionerrcliesand, 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 lhc gist or such information as furnished by such person or each of such persons.

(9) On receipt of lhe petition referred io **in sub-seciion (7), the competent authority shall, as soon as possible within six weeks from the dale oflhe receipts of such petition, proceed lo make an enquiry lo satisfy himself, among others, as io—**

(a) Lhe common decision in regard lo the manner of voiing LO **be exercised by the majority of Lhe Councillors set up by the recognised political party, and**

(b) whether (he Councillor or Councillors, against whom such ' petiiion is filed, exerciscd lhe voiing right in a meeting of the Corporation contr

'Sub-clause (iA) was inserted by s. 1(2) of (he Calcutta Municipal Corporation (Amendment) Act, 2000 (West Ben. Acl XXIII .if 2000).

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(10) For Lhe purpose of enquiry under sub-seciion (9), lhe compcienL authority may summon such members of lhe 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 wilhin eight weeks from the date or receipt of the petition referred io in sub-section (7), the competent authority shall, in consideration of the statements, documents and records before it,—■

(a) reject Ihe peiilion, or

(b) admit the petition wholly or in part and declare any member or members of such recognised political parly io 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-seciion (7), if aggrieved by the decision of the competent authority, may, wilhin thirty days from the dale of the order, appeal to such authority as the Slate Government may appoint in ihis behalf and, thereupon, lhe authority so appointed may slay the operation of the order till Lhe disposal of Lhe appeal and may, after giving nolice or the appeal io the compelenL authority, and after giving lhe appellant and the opposite parties and opportunity of being heard, set asideorconfirm the orderordeclare any Councilloror Councillors to be disqualified under, and in accordance with the provisions of, sub- seciion (1) and, upon such declaration, the Councillor or Councillors shall stand removed from the Corporation.

(13) Theorderpassedby (he authority referred lo in sub-section (12) on the appeal shall be final.

(14) Nolwithslanding anylhing 10 Lhe contrary contained in this Acl or in any other law for the lime being in force, no court shall have any jurisdiction in respect of any matter arising out of a Councillor being declared lo be disqualified under sub-section (1) for being a Councillor.

Explanation.—**For lhe 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 parly and furnishes a declaration lo thai effecl to the competent authoriLy before the expiry of six months from lhe dale of**

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'' **B,** *Elections*

62. *[Nomination of catid(dates.—Omitted by s. 4(6)(e) of the West Bengal Municipal Corporation Laws (ThirdAmendment) Act, J994 (West Ben. Act XXXVI of J994).*

63. *[Deposit of fees and withdrawal of candidature.—Omitted, ibid.***1**

64. *[Uncontested election.—Omitted, ibid.]*

65. *[Procedure at election.—Omitted, ibid.]*

66. **[***State Government to make rides regarding the conduct of election,—Omitted, ibid.]*

67. *[Disqualification for being election agent.—Omitted, ibid.]*

68. *[Revocation of Appointment of election agent.—Omitted, ibid.]*

69. *[Re r urn of election expenses.—Omitted, ibid.]*

70. *[Accounts of election agents.—Omitted, ibid.]*

71. *[Casual vacancy caused by failure to elect a person.—Omitted,*

ibid.]

12, *[Adjournment of poll in emergencies.—Omitted, ibid.]*

73. *[Fresh poll in the case of loss, etc. of ballot boxes.—Omitted, ibid.]*

74. **[***Election of Aldermen.—Omitted, ibid.]*

75. *[Election petitions.—Omitted, ibid.]*

76. **[***Enquiry by Chief Judge.—Omitted, ibid.]*

77. *[Grounds for declaring election to be void.—Omitted, ibid.]*

78. *[Dispute as to the validity of election of Aldermen.—Omitted, ibid.]*

C. *Dispute as to validity of election*

Oaths of allegiance to be laken by Councillors

79. Every person who is a Counci 1 lor[3]* **.shall, before taking his seal al a meeting of lhe Corporaiion, make and subscribe before a person io be nominated by lhe Stale Government in this behalf an oath or affirmation of his allegiance to the Constitution of India in the following from;—

I. A.B., being a Councillor[1]* * * of the[J] [Kolkata] Municipal Corporation, do solemnly swear/solemnly affirm thai I will bear true failh and allegiance lo lhe Constitution of India as by law established and thai 1 will faithfully discharge lhe duties upon which I am about to enter.

Power of the Stale Cavern men l in respect of first election.

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

Term of office of councill ors

81. [6](1) Subject to the provisions of secLion 83, a Councillor shall hold office for a term of five years from the date appointed for lhe Firsi meeting oF the Corporation under seclion 95 and no longer.

(2) A Councillor[7]* * * may, at any time, by giving notice in writing lo lhe Chairman, resign his office and such resignation shall take effect from such date as may be specified in (he notice or, if no such date is specified, from the date of its receipt by the Chairman.

82, *[Effect of subsequent disabilities.—Omitted by* **.v.** *4(6){h) of the West Bengal Municipal Corporation Laws (ThirdAmendment) Act, 1994 (West Ben. Act XXXVI of 1994).]*

'The words, in the marginal note, "and Aldermen" were omitted by s. 4(6XD(i) of [he West Bengal Municipal CorporaLion Laws (Third Amendment) Acl, 1994 (West Ben. Acl XXXV] of 1994).

vThe words "or an Alderman" were omitled by s. 4(6)(f)(ii), *ibid.*

The words **"fan** Alderman" were omitted **by s. 4(61(0(1"),** *ibid.*

'See fool-note 2 on page 573, ***ante.***

'The words, in ihe marginal note, "and Aldermen" were omitted by s, 4(6}(g)(i), *ibid.* 'Sub-seciion (I) was substituted for lhe original sub-section by s. 4(6)(g)(ii). *ibid.* The words "or an Alderman" were omitted by s. 4(6lf^r)(iii). *ibid.*

[Wesl Ben. Acl

(Pari II,—Constitution and Government.—Chapter V.—Election of Councillors.—C. Dispute as lo validity of election.—Section S3.—D. Requisitioning of properly for ^ election purposes.—Sections 84-92.)

COURT BOOK
EMPOWERING LEGAL CLARITY

Casual vacancies.

'83. (1) When lhe seal of an elccicd member becomes vacant or is declared vacant or his cleclion io the Corporation is declared void, the Slaie Election Commission shall by notification cull upon Hie constituency from which he was elected to Lhc Corporation, to elcci a person for Lhc purpose of tilling the vacancy causcd by lhe reason of Lhe seat as aforesaid becoming vacant or being declared vacant or his election as aforesaid being declared void, as the ease may be, before such dale as may be specified in the notification, and the provisions of any law Ihai lhc State Legislature may make with respect lo all mailers relating to, or in connection wiih, elections to the Municipalities, shall, as Tar as may be, apply lo such election,

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

Explanation.—**The word "Municipality" shall have the meaning assigned co il in clause (e) of section 243p of the Constitution of India,**

D. *Requisitioning of property for election purposes*

84. **[***General election.—Omitted by s. 4(6)(j) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (We.it Ben. Acl XXXVI of]994).]*

85. *[Requisitioning ofpremises, vehicles, etc. for election purposes.—Omitted, ibid.]*

86. *[Payment of compensation,—Omit led, ibid,]*

87. *[Power to obtain information.—Omitted, ibid.]*

S8. *[Powers of entry into and inspection of premises, etc.—Omitied, ibid.]*

89. *[Eviction from requisitioned premises.—Omitted, ibid.]*

90. *[Release of premises from requisition.—Omitted, ibid.]*

91. *[Delegation of functions of the State Government with regard lo requisitioning.—Omitted, ibid.]*

92. *[Penaltyfor contravention of any orde r regai du ig requisitioning. —Omitted, ibid.]*

'SeciUin 83 was substituted for the a rig in at section by s. 4(6)(i) of lhc Wcsl Bengal Municipal Corporation Laws (Third Amendment) Acl. 1594 (Wesi Ben, Acl XXXVI of 1994), Prior lo ihis subslilulion lhc ivorii "Councillors" was substituted for lh£ ward "members" in sub-£cclion {1) of original section bys. 5 orthe Calcutta Municipal Corporation (Amendment) Acl. 1988 (Wcsl Ben, Acl XXI of 19SS).

LIX of 1980.]

(Part II.—Constitution and Government.—Chapter VI.—Conduct of Business.—A. Transaction of Business by lhe Corporation Sections 93-96.)

CHAPTER VI Conduct of Business A, *Transaction of Business by the Corporation*

93. (1) The Chairman shall at lhe beginning of each calendar year Nominaiion **nominate from amongst the elected members of the Corporation a panel of "f 3 of not. more than three presiding officers and specify a sequence in which any officers." one of ihem may preside over the meetings of the Corporaiion in the absence or lhe Chairman.** prcsrdine

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

94. (1) The Corporation shall meet nol less lhan once in every month Meetings, **for the transaction of business.**

(2) The Chairman may, whenever he thinks fit, and shall, upon a requisition in writing by nol less than twenty elected members of the Corporation convene a meeting of the Corporaiion.

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

Firsi meeiing of lhe Coipora- lion general cleclion.

96. A lisl of business lo be transacted at every meeting of lhe Corporation except ai an adjourned meeting shall be seniio lhe registered address of each member of lhe Corporation at least seventy-two hours before the lime 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:

Nol ice of meeiing unci lisl of business.

Provided that any member of Lhe Corporation may send or deliver to the Municipal Secretary notice of any resolution so as Lo reach him ai least forty-eight hours before the time fixed for the meeiing 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 lhe register of addresses of members of the Corporation to be maintained by the Municipal Secretary.**

'The word wilhin ihe square brnckeis was substituted Tor ihe words and figures "of the cleclion of Alderman under.see lion 74" by s. 4(7) of lhe Wcsl Bengal Municipal Corporation fThir<! Amcndmcnil Acl. II[1])J (Weil Ben. Acl XXXVI nf

[West Ben. Act

(Pari 11.—Constitution and Government.—Chapter VI.—Conduct of Business.—A. Transaction of Business by the Corporation.— Sections 97, 98.)

Quotum for Iran sac lion of business at a meeting of [be Corporation and method oT deciding (jucs lions.

97. (1) The quorum accessary Tor the transaction or business at a meeting of lhe 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 duly of the person presiding over such meeting either to adjourn the meeting or to suspend Lhe meeting until there is a quorum.

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

(4) All malters required lobe decided at a meeiing of the Corporation shall, save as otherwise provided in this Act, be delermined by a majority of voles of Ihe members of the Corporation present and voting.

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

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

(7) ir at any meeting of the Corporation a poll is demanded on a resolution before it, the votes of all the members of lhe Corporation present who desire lo vote shall be taken under lhe 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. (1) The Chairman or, in his absence, a member of the panel of Presiding Officers nominated under seclion 93 shall preside at every meeting or the Corporation:

Provided that when a meeting is held to consider a motion for lhe removal of the Chairman, the Chairman shall nol preside at such meeiing.

(2) In the abscnce of the Chairman and all members of Ihe panel of the Presiding Officers as aforesaid from a meeting of the Corporation, the elccied members present shall elect From amongst them selves one member lo preside over the meeting.

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

Presiding Officcr of a meeting of the Corporaiion.

Lrx or 1980.]

(Pari II.—Constitution and Government.—Chapter VI.—Conduct of Business.—A. Transaction of Business by lhc Corporation.—Sections 99, 100.)

Presiding

99. Notwithstanding anything contained in seciion 98,—

(a) al lhe **first meeting Tor** Lhe **election of** lhe **Mayor and the mcciing Tor Chairman or at any other meeting Tor** lhe **election or the cicciion or Chairman, the State Government shall nominate an elected chjimun. member of lhe Corporation, who is not a candidate for such election, to preside over lhe meeting;**

(b) if **daring the election of the Mayor or the Chairman, as the case may be,** il **apprears thai 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,** Lhe **person presiding over the meeting shall decide between such candidates by lot to be drawn in Ihcir presence and** in **such manner as he may determine and lhe candidate on whom the lol falls shall be deemed lo have received an addiLional vote.**

Mai nlc nance of order al a meeting of Lhc Corporation and withdrawal and suspension of Councillor

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

(2) The Presiding Officer or a meeting may direct any Councillor i5 * whose conduct is in his opinion grossly disorderly, to withdraw immediately from the meeting, and every Councillor -* * * so directed shall do so forthwith and shall absent himself during the remainder of Lhe **meeting.**

(3) I f any Council lor* * is ordered io withdraw a second lime, the Presiding Officer may warn such Councillor* * of the action that may be taken under this sub-section and may suspend such Councillor* * from attending the meetings of the Corporation for any period noi exceeding sixly days and the Councillor ■ * * so suspended shall absent himself accordingly:**

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

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

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

COURT BOOK

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(Pari II.—Constitution and Government.—Chapter VI,—Conduct of Business.—A. Transaction of Business by the Corporation.— Sections 101, 102.)

101. (1) If a member of lhe Corporaiion has any pecuniary interest, director indirect, in any contract or proposed contract with or employment under or other mailer concerning the Corporation and is present al a meeting of lhe Corporation or of a committee thereof at which such contract or employment or other matter is the subject of considertion, he shall, as soon as practicable after the commencement of such meeting, disclose the fact, and shall nol lake part in the consideration or discussion of or vote on any question with respect lo such contract or employment or other matter;

A member of ihe Corporaiion having pecuniary iriicresi in any conlracl. clc. wilh ihe Corporaiion.

Provided that Lhe **provisions** of Lhis **section shall not apply lo a** member **having interest as** araLe-payeroran **inhabitant of'[Kolkaia] oraconsumer of water or** having **an** interesL **in any maLicr relating** to **any civic service to the public.**

(2) For the purpose of lhis 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 or 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 whieh(orisinemploymcni under a person with whom, the contract is made or is proposed to be made, or if such firm or person has a direct pecuniary interest in the employment or other matter under consideration:

Provided that—

(i) the provisions of Lhis sub-seciion shall nol apply lo 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 slock 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 Forthe purpose of this section to be the interest of the other.

Explanation.—**For lhe purposes of this seclion and seclion 102, "company" shall mean any body corporate and shall include a firm or other association of individuals.**

Disclosure

imcrcsi"'[6]^ notice lo lhe effect that he or his spouse is a member of a sped fied company or is a partner in a firm or is in the employment under a specified person,

102. (1) A Councillor * * may give lo the Municipal Secretary a

(Part II.—Constitution and Government.—Chapter VI.—Conduct of Business.—A, Transaction of Business by the Corporation.— Sections 103-105.)

and if any contract is made or is proposed to be made with such company or Finn or person, such nolicc shall, unless and unlil il 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 lhe Corporation after the date of thci notice.

(2) The Municipal Sccrctary shall record in a book to be kept for the purpose particulars orany disclosure made under sub-section (1) of seciion 101 and of any noticc given under sub-section (1) of this section and the book shall be open al all reasonable hours for the inspection of any Councillor '* * *,

Meeting **ID** be voluntarily Ť pen lo public.

'The words "or Alderman" were nrnincd by s. 4(9)(b), nf lhc West Bengal Municipal Comjntlion Laws (Third Amendment) Acl, 199-1 (West Ben. Acl XXXVI or 1994),

TTie words, in lhc marginal rime, "and AJdcmicn" were omilied by s. 4(IQ)(n), *ilfii).* 'The woids "or an Alderman" were omilied by y 4(I0)(b), *ibid.*

'Sec fooi-nolc 7 on page 573. *ante.*

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

(2) The Corporation may make regulations providing rortheadmission of strangers to iis meeting and Tor the removal by force, i f necessary, orany stranger for interrupting or disturbing Lhe proceedings of the meeting.

104. The Municipal Commissioner or any olher officer of the Corporalion authorised by him in writing in this behalf may aiiend any meeling of the Corporation or any of its committees.

Right of Municipal Commis-sioner and olhur officers to a II end meeting nf CiMpnrjtiori and commillecs. clc.

105. (1) A Councillor[3]* * * may, **subject lo the provisions of subsection (2), ask lhe Mayor-in-Council questions on any mailer** relaLing **io the administration of lhe Corporation or the municipal government of "■[Kolkata} and all such questions shall be addressed to lhe Mayor**-in- **Council and shall be answered either by the Mayor or by any olher member of lite Mayor-in-Council.**

Right of Councillor ' lo ask questions.

[West Ben. Acl

(Pan II.—Constitution and Government.—Chapter VI.—Conduct of Business.—A. Transaction of Business by the Corporation.—Section 105.)

(2) The right io ask a question shall be governed by Lhe following condilions, namely:—

(a) not less than seven working days' noli ce i n writing speci fy ing lhe question shall be given lo the Municipal Sccreiary;

(b) no question shall-—

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

(ii) contain arguments, ironical expressions, imputaiions, epilhets or defamatory statements,

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

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

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

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

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

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

(ix) ask for information on trivial mailers,

(x) ordinarily ask for information on matters of pasl 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 courl of law.

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

(4) I f a ny d oubi ari ses whe I h e r a ny q u es i i o n i s or is n ol i n co n traven Lion of lhe provisions of sub-seciion (2), lhe matter shall he decided by the Presiding Officer, whose decision shall be final.

(5) TheMayororany oiher member of the Mayor-in-Council shall nol be bound to answer a question if il 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 lo lhe public inleresl.

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

COURT BOOK
EMPOWERING LEGAL CLARITY

106. (1) Any Councillor '7 * * may give notice of raising discussion on a mailer of urgent public importance to the Municipal Secretary specifying clearly the matter to be raised.

Discussion on urgent public niauc re.

(2) Such notice supported by lhe signatures of at least two olher elected members shall reach lhc Municipal Secretary at least forly-eighl hours before thedate on which suchdiscussion issoughtand the Municipal Secretary shall immediate I y place it before lhc Chairman or in his absence, any member of the panel of Presiding Officers and circulate lhe same among the members in such manner as he may think fit,

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

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

107, (1) Any Councillor -* * * may ask Tor statement from the Mayor-in-Council on an urgent matter relating to Lhe **administration oflhe Corporalion or the municipal government of[1]!Kolkata] by giving a notice lo lhe Municipal Secretary al least one hour before the commencement of the sitting on any day.**

(2) The Mayor or a member of lhe May or-i n - Council may ei iher make a brief statement on the same day or fix a dote Tor the same.

Asking for stalcmcril from Mayor- in-Council.

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

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

'Sub-section (5) was oinillcd by s, 4(13) of llic Wc-sl Bengal Municipal Corporation Laws (Third Amendment 1 Aft. 199-1 (Wcsl Hen. Acl XXXVI of 1994).

B. *Minutes and proceedings*

108. (1) Minutes of each meeting of the Corporalion and a com mitLec Keeping of of Lhe Corporation recording (herein the names of the members present at such meeting and Lhe proceedings of each such meeLing shall be drawn up and eniered in a book to be kept for the purpose antl shall be laid before the next meeting of the Corporation or such committee, as the case may be,
and signed at such meeting by Lhe Presiding Officer thereof.

(Pari II,—Constitution and Government.— Chapter VI.—Conduct of Business.—B. Minutes and proceedings.—Sections 109-111.— . C. Validation.—Section 112.)

109. Minutes of the proceedings; or each meeiing of the CorporaLion shall be circulated Lo all the members of (he Corporation and shall al all reasonable times be available at the office of ihe Corporation for inspection by :iny member or lhe Corporation, free of cost, and by any oilier person on payment of such fee us (he Corporation may determine.

110. (1) ThcMunicipal Secretary shall forward lo the Slale Government of copy or the minutes or Lhe proceedings of each meeting of the Corporation and a Committee of the Corporaiion wilhin a period of Co days from the date on which the minutes of the proceedings of such meeiing are signed under seclion 108,

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

(3) The Municipal Secretary shall forward to lhe Siale Govemmenl, a.s[1] soon as may be after Lhe expiry of lhe period referred io in sub-seciion (1), a copy or the proceedings of lhe meetings of lhe Corporation and a committee of ibe Corporation.

111. The Slate Government may, by rules, provide for such mailers, not provided in this Acl, relating to the conduct of business of lhe Corporation or of its commiliees as it may deem neccssary.

Circulation oT minutes and inspection or reports or proceedings.

Forwarding of minutes and reports of proceedings to State Government.

Rules relating lo conduct of business of the Corporation.

C. *Validation*

112. (J) No act or proceeding of lhe Corporation or any committee of lhe Corporaiion under lhis Act shall be called in question merely on the ground of—

(a) the existence of any vacancy in, orany defect i n the constitu Lion of, the Corporation or any committee of lhe Corporation, or

(b) any member of the Corporation having voled or taken part in any proceedings in contravention of lhe provisions or 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 or the Corporation or any committee of lhe Corporation, lhe minulcs of the proceedings oT which have been duly signed undersection 1 OS, shall be deemed lo have been duly convened and lo be free from any defect or irregularity.

Validation of acts and proceedings.

COURT BOOK

fPart II.—Constitution and Government.—Chapter VII.- Control.—Sections /13-/16.)

CHAPTER VII Control

113. The Stale Government may al any lime require any municipal authority—

(a) io produce any record, correspondence, plan or olher documents,

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

(e) to furnish or obtain any report,

and thereupon such authority shall comply with such requirement.

Power or lhc Suit; Govern men l ID LLIII Tor records. clc.

114. The Stale Government may depute any of its officers io inspect or examine any department, office, servicc, work or property or the Corporalion and to report thereon, and such officer may Tor the purpose ot' such inspection or examination exercise all lhe powers of the State Government under section 11 3.

COURT BOOK
ENSURING LEGAL CLARITY

Power of lhc Slale Government lo depulo officers io make inspec-tion or exami-nation and rcprtrl.

IIS. If, after considering the records, requisitioned under section 113 ur the report under scction 114 or any information received otherwise by lhe Stale 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 (his Aa has not been performed or has been performed in an imperfect. insufficient or unsuitable manner, or (b> ihat adequate financial provision has not been made for lhe performance of any duly under this Acl,

Power ol lhe Stale government lo require [tie municipal authorities to take action.

the Staie 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 ihe order, arrangements, or financial provision, as the case may be. for the proper performance of such duty:

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

116, (i) If no action has been laken in accordancc wiih lhe order under sccLion I 15 within the period specified therein or if no cause has been shown under the proviso to that section or if the causc shown under the said proviso is noi lo lhe satisfaction of the Stale Government, lhe 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. ■

Power of lhe Slale Govern men l lo provide fur enroreaiieiu of order under 115.

(Petri U.—Constitution and Government.—Chapter VII.— Contra!.—Section 117.)

(2) I-nr llic purpose of sub-section (I), ii shall be lawful fur the Slate Government to appoint, for such period as the State Government may think lit, any person considered suitable by it, who shall exercise and pcyfnrm. subject lo 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. (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 cxercise of ihe functions imposed on it by or under this Act or any other law for the time being in force, or 1ms exceeded or ahused its powers, the State Government may by an order published in the *Official Gazette,* and slating reason therefor, declare the Corporaiion to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and -[dissolve] it for such period nol exceeding '[six months] as may he specified in the order.

Power o J' l In: Si ait cioyurnmtni \» '[dissolve] i he Co r |ɹo in-iit»i

(2) Before making any order under sub-section (I).—

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

(b) on recciptofsuch representation, if any. the Slale Government shall constitute a committee consisting of nol mnrc than five persons and shall forward the representation to lhe committee for its consideration and report wilhin such lime as the Slate Government may determine; and .

(e) ihe Slale Government shall consider such representation [J][and such report:]

'Provided lhal notwithstanding anything contained in subsection {]), no order of dissolution of the Corporation shall be made without giving the Corporation a reasonable opportunity of being heard.

(3) The members of lite Commiliee referred lo in clausc (b) of subsection (2) shall be nominated by the Slate Government.

'The word wilhin [he square bracks Is. in the marginal note, was substituted for llic word "supersede" by s. 4(l-l)[uf the Wcsl Bengnl Municipal Corporaiion Laws (Third Amendment) Act. l'J'J-1 (West Bun Acl XXXVI or I TO-!).

-The word within the square brackets was substituted for lhe ward '"supersede" by i.4(N)(b)(i). ***ibut.***

'The ivortk within llic square brackets were substituted fur thi: words "twelve months" by s. 4(14)(b)(ii), ***ibid.***

'Tlw words within the stjiiare brackets wure substituted forthe words "and sueh report." by i. 4(I4i(c)(i). ***ibid.***

'Proviso whs ,-idded by s. 4(M)(c)('n). *ibid.*

LIX of 1980.]

(I'art U.—Constitution and Government.—Chapter VII,—Control.—Section IIS.)

(4) Notwithstanding anything contained in sub-section (I) or subsection *(2).* if, in the opinion of tltc Slate Government, the Mayor having lost the support of the majority of the members or the Corporation, lhe Corporalion is unable to function in accordance with the provisions of this Acl. the Stale Government may, by an order published in the *Official Gazette,* '[dissolve] lhe Corporation for such period noi exceeding '[six months] as may be specified in the order.

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

Provided that where the period for which the dissolved Corporation would have continued is less than six months, il shall not be necessary to bold any eleclion lo constitute the Corporation for such period:

Provided further ihat the Corporalion constituted upon lhe dissolution thereof before the expiralion or the term of office under seciion 8 I shall continue only for the remainder of the period for which lhe dissolved Corporation would have continued bad il nol been so dissolved.

11S. (1) Notwithstanding anything contained in this Act or in any other Ci'nwqucnces law in force for lhe lime iicing, with effect from the date of an order <|dj^$_{0}$|$_{U}$|$_{j011}$ | of -^dissolution] made under sub-seciion (1) or sub-section (4) of scclion 117.—

(a) ail the members of the Corporation, lhe Mayor-in-Council and any committee of the Corporalion constituted under this Act. and the Mayor and lhe Chairman shall vacatc liteir offices, and

(h) all ihe powers and duties which, under lhe provisions of this Act or any rule or regulation made thereunder or of any law in force for lhe lime being, may be exercised or performed by the memhers of the Corporalion or lhe Mayor-in-Council or any committee of the Corporalion or lhc Mayor or the Chairman, shall be cxercisod or performed, subjcct to such directions as the Stale Government may give from time to time, by such person or persons as the Slate Government may appoint in ihis behalf:

(Pari 111.—Finance.— -Chupier VIII.— The Municipal Fund.— ***Section U9.)***

Provided that when lhe Slate Government appoinis more llian one person lo cxercisc uny powers and perform any duties it may, by order, allocate, in such manner as it thinks Hi, such powers and duties among the persons so appointed:

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

(2) For the avoidants of doubts il is hcrehy declared lhal an order of '[dissolution] made under suh-seclion (I) or sub-seciion (4) orscciion 117 shall not effect or imply in any way the dissolution ol the

Corporaiion as a budy corporaie.

PART III

FIN A NCR CHAPTER VIII .

The Municipal Fund

Municipal jig. (J) [*here shall he a Tund to be called tire Municipal Fund to be held hy the Corporation in trusi for lhe purposes or this Acl and nil moneys realised or realisable under this Act and all moneys otherwise received by lhe Corporation shall be crediicd iliereio.

-(2) The Municipal Hund shall be maintained in the following six accounts, namely:—■

(a) the Water-supply, Sewerage and Drainage Account,

(h) lhe Road Developmenl and Maintenance Account,

(c) the *Bustee* Service Account,

(d) ihe Commercial Project Account,

(e) the Solid Waste Account, and

(0 lhe General Account which shall rclaic Lo all moneys received by or on behalf of Hie Corporation other than those specified in clausc {a}, clause (li). clause (c), clause (d), or clause (e).

(3) All moneys realised on different accounts referred to in sub-seciion (2) shall forthwith be_depoiiled with lhe Slale Bank of India or with such

LIX of 1980.]

(Part HI.—Finance.—Chapter Vlll,—The Municipal Fund.—Scclion 120.)

: oilier scheduled bank as may be approved by lhe Stale Government in tliis behalf for credit to the respective heads of accounls styled as—

(a) the Water-supply, Sewerage and Drainage Account of the Municipal Fund of the '[Kolkaia] Municipal Corporation;

(b) ilie Road Development and Maintenance Account of the Municipal Fund of lhc '[Kolkata] Municipal Corporalion;

(c) the *Bu.stee* Services Account of lhc Municipal Fund of lhe '[Kolkaia] Municipal Corporation;

(d) lhe Commercial Projects Account of the Municipal Fund of the '[Kolkaia] Municipal Corporalion; and

(c) the General Accouni of lhc Municipal Fund of the '[Kolkata] Municipal Corporalion.

120. {1) **Thfcre shall be placed lo the credil of the Municipal Fund in** WaUir-supply, **lhe Water-supply, Sewerage and Drainage Account— Dmbagc ^**

(a) an amount equal to thirty *per cent,* **of the amount realised on** Accouni. **accouni oT the [2][properiy lax] imposed under seciion 171 other than the amount realised from** *btisiecs; "*

(b) lhe money realised by ihe Corporalion under the provisions of Chapter XVII. Chapter XVIII and Chapter XIX;

(c) such sum as may be transferred in each year by lhe Corporalion from the General Accouni; and

(d) lhe amount received from lhc Stale Government under subsection (2).

(2) The Stale Government shall in each year give to the Corporation an amount equal to the sum transferred by the Corporation to the Water-supply, Sewerage anil Drain age'Account under clausc (c) of sub- scclion (I). Such amount shall ittdudc any money given by lhe Siaic Government to the Corporation as subvention for a specific purpose or given lowurds the payment or salaries and allowances, if any, of the officers and employees of the Corporation referred to in scclion 14 and section 17 in so far as their work relates to water-supply, sewerage and drainage.

(3) The money credited to lhe Muncipal Fund in lhe Waicr-supply, Sewerage and Drainage Account shall, subject lo lhe regulaiions made in this behalf, he applied for lhe purposes or water-supply, sewerage and drainage.

(Pan III.—Finance.—Chapter VIII.—The Municipal Fund.—Sections 121. 122.)

Koad Dcvc-**lopinbm : i ml** maintenanc e accouni

121. {1) There shall be placed to the credit of the Municipal Fund in llie Road Development ;ind Maintenance Account—

(a) such subvention as lhc Stale Government may give from lime lo lime from the proceeds of the tax on moior vehicles:

Tees equal oflhe

(id (c) realised on account of parking of vehicles under ihis Acl; an amount to iwcniy-fivc *per cent,* **oflhe total grant made hy lhe Stale Government lo ihe Corporation undcrsub-seciion (2) of seel ion 12 Taxes on Entry of Goods into '[Kolkata] Metropolitan Area Acl, 1972; and**

the amount received from the Slate Government under subsection (2).

(d) Stale or

(2) The Stale Government shall in cacti year give to lhe Corporalion an amount which slml! include any money given by lhe Government lo the Corporalion as subvention for a specific purpose given towards lhe payment of salaries and allowances, if any. of the officers arid employees of lhe Corporation referred lo in section 14 and seciion 17 in so far as iheir work relates to road development and maintenance.

(3) The money erediicd io the Municipal Fund in lhc Road Development and Maintenance Accouni shall, subjeel lo lhe regulations made in this behalf, be applied for the purposes of development and maintenance of roads.

Wcm Act V ()Г Bon. 1972.

Bn.we **Atuiium *'lc ®"S,CL' 122. (1} There shall he placed io llie credil of ilie Municipal Fund in Services Accouni—**

(a) the amount of-[property lax! realised from bus Ices-,

(b) such amount not less lhan rupees fifty lakhs in each year as may be transferred hy llic Corporalion from the General Account; and

(c) the amount received from lhe Stale Governmcni under sub-section (2),

(2) The Slate Government shall in each year give Lo ihe Corporalion a sum nol less lhan double the amount transferred by lhc Corporation from llie General Accouni forcredii to the iiiwfi' Services Account under clause (b) of sub-seelion (I).

(3) The money credited lo the Municipal Fund in the *Busree* **Services Account shall, subjeel io lhc regulations made in ihis behalf, be applied for ihe purposes of maintaining and providing civic services io** *bus ices.*

Explanation.—**"Civic services" for Ihe purpose of ihis sub-section shall mean all services referred lo in this Acl.**

'See liHit-uolc *2* on page 571, *ante.* -
Sec loo*, in>'ic .! on pr-rc 633-

*(Part III.—Finance.—-
Chapter Vlll.—The Municipal
Fund—Sections 123. 123A,
124 & 125.)*

Commercial Projecis Account.

123. (1) There shall he placed lo lhe credit or llic Municipal Fund in llic Commercial Projecis Account—

(a) lhe reccipis on account of the commercial projects of lhe Corporation; and

(h) such sum as may be transferred in each year by the Corporation from Die General Account.

(2) The Slale Government shall in each year give to ihe Corporation ail amount which shall include any money given by lhe Stale Government to the Corporation as subvention for a spec i He purpose or given lo wards ihe payment of salaries and allowances, if any, of the officers and employees of ihe Corporation referred lo in section 14 and scclion 17 in so far as Ihcir work relates io commercial projccis,

(3) The money credited to the Municipal Fund in the Commercial Projecis Account shall, subject to lhe regulations made in this behalf, he applied for the purposes of—

(a) meeiing lhe dcvclopmcm and maintenance costs of commercial projecis.

(b) undenaking new commercial projects,

'123A. There shall be placed io lhe credit of the Municipal Fund in lhe Solid Waste Account—

{a) an amounl equal lo fifteen *per cent,* **of lhe amount credited on properly lax impused under section 171;**

(b) the money orchcque credited by the Corporation under section 210B and under the provisions of Chapter XX;

Solid Wasic Account.

(c) such sum as may be transferred in each year by the Corporation from lhe General Fund; and

(d) the amounl received from the Stale Government or from any oiher source saving the sources referred to in clause (a), clause (b), or ulau.se (c).

Application or Municipal Fund.

124, Subject to the provisions of sections 120, 121, 122 and 123 the moneys credited lo lhe Municipal Fund from lime lo lime shall he applied Tor payment of all sums, chargcs and cosls necessary for carrying out the purposes of this Acl and the rules and the regulations made thereunder or for payment of all sums payable out of lhe Municipal Fund under any other enactment in force for lhe time being.

Expenditure on physical assets outside ! [Kolkata],

125, **Expenditure on physical assets outside -[Kolkaia] may, for carrying out the purposes of this Act, be made if a resolution lo lhal effect is carried by not less than one-half of the loial number of members of lhe Corporation.** .

'Sectiun 123A was inserted hy s K ofihe: Calcutta Municipal Corporaiion (Amendment) ACI.2IS0I (West Ben. Act VIII of 2001).

'Si. 'ì' fml-noic 2 on pnjie 571, *tittle.*

O|>oracion (if Acconnls

126, Subject lo the oiher provisions or this Acl, payment from the Municipal Fund shall he made in such manner as may be determined by regulations. and the accounts referred to in section 119 shall be operated by such officers ofihe Corporaiion as may be authorised by the Corporation by regulations.

pay 111 l.ti(**nol ti> be iiilncli: ■'. v !** Municipal Fund unless coverud by a budget yrjm.

127. No payment of any sum out of the Municipal Fund shall be made unless such expenditure is covered by a current budget gram and a sufficient balance of such budget grant is available notwithstanding any reduction or transfer thereof under the provisions of this Act:

Provided dial this section shall nol apply to payments in the following cases:—

(a) refund of taxes and other moneys which arc authorised by this Acl;

(b) repayment of moneys belonging lo contractors or oilier persons and held in deposit and all moneys collected or credited to the Municipal Fund by mistake:

(e) temporary payments for works urgently required by ihe Siate Government in the public interest;

(d) sums payable as compensation under this Acl or the rules or lhe regulations made (hereunder;

(e) expenses incurred by the Corporaiion on special measures on ihe outbreak of dangerous diseases;

(f) sums payable—

(i) under orders of the Slnte Government on failure of the Corporation to lake any action required by lhe State Government; or

(ii) under any other enactment in force for the time being; or

(iiij under llie decrcc or order of a civil or criminal court - against lhe Corporation; or

(iv) under a compromise oT any claim, suit or other legal proceedings; or

(v) on accuunt of the cost incurred in taking immediate action by any of lhe municipal authorities lo aven a sutlden Ihreai or danger to the property of lhe Corporation or to human life; and

(g) such other cases as may be prescribed,

Praccdun: when money i'.ui covered, by a budget j;rnn[is paid

12S, Whenever any sum is paid in any of the cases referred lo in the proviso lo seclion 127, lhe Municipal Commissioner shall forthwith communicale the circumstances ciTsuch paymeni lo theMayor-in-Couricil, and thereupon lhe Mayor-in-Council may lake or recommend io llie

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(Pari III.—Finance.—Chapter Vlll.—The Municipal Fund.—Sections 129, 130.)

. Corporalion to take such acLion under Lhc provisions of ihis ALL as may appear to il lo be feasible and expedient for covering lhe amouni of such payments.

129. (I) On llie wrinen requisition of a Secretary to lhe Stale Government the Mayor-in-Council may al any lime require lhc Municipal Commissioner Lo underlake lhc execution of any work certified by the Secretary to be urgently required in the public intcresi and. for ihis purpose, to make payment temporarily Tor such work from lhc Municipal Fund in so far as such payment can be made without unduly interfering with the regular work oT the municipal government,

Tcmprirary p.iymtnls Irniii the Municipal Fund for worLs urge inly rcquiicd in lhc public inlcresl.

(2) Thecosi of all worksocxecuicd and or 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 lhe Corporalion together with a report of the steps taken in pursuance of ihe same.

130. (I) Surplus moneys standing at Lhe crediiof any oflhe accounls Invcsimem i>f the Municipal Fund which cannoi, eilher immediately or al any early moneys^ dale, be iipplicd for lhe purposes of Lhis Act hy the Corporation may, in accordance with such rules as may be made by the State Government in ihis behalf, be transferred by lhe Corporation cither in whole or in part to any other accouni of the Municipal Fund:

Provided thai no such money shall be Lransfcrrcd permanenlly from any of the accounts to any other accouni without the previous approval of the Slulc Government:

Provided further that such surplus moneys standing at lhc credit or lhc Commercial Projects Account of the Municipal Fund shall not be transferred lo the General Accouni of llie Municipal Fund.

(2) Surplus moneys which are noi lransfcrrcd under sub-seciion (I) may be invesied in public securilics or small savings schemes approved by lhe State Government or deposited at inieresi with such scheduled hank as may be determined by the Mayor-in-Council,

[West Ben. Act

(Part III.—Finance,—Chapter IX.—Bud get Estimates.—Sections 131, 132.)

CHAPTER IX

Budget Estimates

Annual roipofai[on **131. (1) The Corporation shall, on or before the 22nd day uCMarch in y^ear- 8^o P^c f^r ensuing year a budgel estimate which shall be lhe estimate of the receipts and the expenditure of the Corporalion to be received and incurred on account oflhe municipal government of '[Kolkaia],**

'Set[3] 1'ooi-nnic 2 on page 573, *a me.*

(2) The budget cslimale shall separately sV.ile the income and the expenditure of lhc 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 *Ihistec* Service Account,

(d) the Commercial Projects Accoun), and

(e) the General Account.

(3) The budget estimate shall state the rales al which various taxes, surcharges, cesses and Tees shall be levied by the Corporation in the year nexi following.

(4) The budget estimate shall siate the amount of money to be raised as loan during die year next following.

15) The Mayor shall present lhc budget cslimale lo the Corporation on lhc 15ili day of February in each year or as soon thereafter as possible.

(6) The budget estimate shall he prepared, presented and adopted in such form and in such manner, and shall provide for such matters, as may he prescribed.

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Power of ihe Corpnnlion lo alter hudgci grains.

132. {1) The Corporation may, on lhc recommendation of the Mayor- in-Council from time to time during Lhe year.—

(a) increase the amount of any budget granL under any head, {hi make an addilional budgeL granl lo meel any special or unforeseen requirement arising during Lhe same year,

(c) transfer the amount or portion of lhc amount of Lhe budgel granl under any head lo the accouni of the budget grant under any other head, or

(d) reducc the amount of the budgci grant under any head:

Provided that due regard shall be had to all the requirements or this Act in increasing the amount of any budget-grant or in making any addilional budgel granl.

(2) Every increase in a budget grant and every additional budgel granl made under suh-section {I) for any year shall be deemed lo be included in lhe budgel esLimate finally adopted for that year.

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(Pari HI.—I'inance.—Chapter IX. —Budget Estimates. — Section 133.—Chapter X.—Loans.—Section J 34.)

133. (I > IT in any lime during the year il appears lo the Corporaiion Power ot (he thai, noiwidisiandine any reduction of budget grant under seclion 132. Curr>tl•?llrin

- j *b o* l0 rl..nijjiisi

(lie money ai (he credit of lhe Municipal Fund during (lie same year will mctiniu limj **not suffice io mcci lhe expenditure sanctioned in the budget estimate of thai year, ii shall be incumbent on lhe Corporation forthwith to lake any** year **measure which il may consider necessary Tor adjusting llic expenditure to lhe income during the year.**

(2) For the purposes of sub-scction (1), die Corporaiion may either diminish the sanctioned expenditure of die year, so far as il may be possible so lo do with due regard lo all llic requirements of lhis Acl or have recourse to supplementary taxation or lo an increase in lhe taxes. surcharges, cesscs and fees leviable under this Acl or adopi all or any of those methods.

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chapter x **Loans**

134. (1) The Corporation may from lime lo lime hy a resolution in Power **of ilic lhis behalf passed al a meeting of the Corporation raise a loan, by the issue of debentures or otherwise on the security of the '[properly lax] or of ali or any of llic taxes. surcharges, cesscs and fees and dues under lhis Acl or of boili llic '[properly lax] and all or any of lhe taxes, surcharges and cesscs and fees and dues under this Acl, or on the guarantee by the Stale Government, of any sum of money which may be required—**

(a) for the construction of works under this Act, or
(b) Tor the acquisition of land or buildings for the purposes of lhis Acl. or
(c) lo pay off any debt due Lo the State Government, or
(d) to repay a loan raised under this Acl, or
(e) for the acquisition or a puhlic utility conccrn which renders such services as the Corporation is authorised to render under this Act, or
(0 for lhe purchase of vehicles, locomotive engines, boilers and machinery necessary for carrying out the purposes of this Acl, or
(g) for any other purposes for which lhe Corporation is, hy or under this Acl or any other law in force for the time being, , authorised to borrow:

Provided lhal— ■

(i) no loan shall be raised without the previous sanction of the Stale Government; and
(ii) the rale of interest to he paid for such loan and lhe terms and conditions (including the period) of repayment thereof shall be subject io lhe approval of the State Government:

Prov ided f be taken from [lie '[Kolkata] Authority in aforesaid, urther lliai any loan may the State Government or Metropolitan Development addition to the loans as

(2) When any loan has been raised under sub-section (1 J,— [West Ben. Act

(i) no portion thereof shall, without lhe previous sanction or the Stale 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 clausc (a) of thai sub-section shall be applied lu the paymcni of salaries or allowances to any officers or employees of the Corporalion other lhan those who are exclusively employed for the construction of lhe work for which the loan was raised.

Explanation.—**The expression "dues under this Act" in suh-section {1} shall, for the purpose of clausc (e) of sub-section (1), be deemed to include the income derivable from the public uiility concern referred to in thaL clausc.**

Limn io ihe pDU'UI of raising kw.

135. Notwithstanding anything hereinbefore contained lhe power of lhe Corporation to raise a loan shall be limited so however that the sums payable under this Acl during any year for interest and for the maintenance nf Sinking Funds established under Ihis Act shall not exceed fifteen *per cent,* **of the annual value of land and buildings as determined under til is Acl.**

Power ofilii: Curporauaii lo open ;i crcthl ai^uajit wiih abank.

136. Notwithstanding anything contained in section 134. the Corporation may, when the raising of a loan is sanctioned by the State Government under that scclion. instead of raising such loan or any part thereof, Hike credit, on such terms as may he approved by llic Stale Government, from any scheduled bank on a cash account Lo be kepi in the name or the '[Kolkutal Municipal Corporalion Cash Account Lo the extent of such loan or any part |hereof and, wiih Lhe sancLion of the State Government, may granl mortgages of all or any of the properties vested iii the Corporation hy way of securing the repayment of the amount of such credit or ol'the sums advanced from lime to lime on such cash account with interest.

Power or lhc Corporation io raiSL* slum-term limns.

137. Notwithstanding anything contained in this Chapter, lhe Corporalion may, wiih the previous sancLion or the Slate Government, from time to lime, take a short-term loan repayable wiihin any period not exceeding twelve months, Trnni the State Bank of India or any other scheduled hank Tor such purpose, not being a purpose, referred to in subsection 11 > of section 134, on such terms, and on furnishing such security lor Lhe repayment of such loan, as may be approved by Lhc Stale Government:

'Set- fiwl-nolc *2* on page 573, *ante.*

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f *Pan III.—Finance.—Chapter X.—Loans.— Seclion a 138-143.)*

Provided that where (he Corporation has taken any loan under lhis seclion. no further loan under ihis section shall be sanctioned by lhe Stnte Government until lhe repayment of the previous loan.

Time lor repayment of loan.

138. The lime Tor repayment of any loan raised under section 134 shall in no case exceed sixty years and lhe lime for repayment of any loan raised for lhe purpose or discharging any previous loan shall not, cxccpi wi Hi the approval of the Slate Goverment, extend beyond (he unexpired portion of the period lor which such previnus loan was sanctioned.

Manner of repayment of loans.

139. Every loan raised by the Corporation under seclion 134 shall be repaid within the time approved under that secliori and such repayment shall be made either (a) from a Sinking Fund established under section 145 in respect of such loan or (b) parlly from such Sinking Fund and (lo the ex lent to which such Sinking Fund falls short of the sum required Tor the repayment of such loan) partly from the loan raised for the purpose under section 134, as may be approved hy the Slate Government,

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Form and effect of JebeTilures.

140. All deheniurcs issued under lhis Chupler shall be in such form, and shall be transferable in such manner, as ibe Corpnralion may by regulations determine, and lhe riglil lo 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. When any dchcnlure or security issued under this Act is payable lo two or more persons jointly and either or any of ihcm dies, then, y of IS72. **notwithstanding anything in section 45 of lhe Indian Contract Acl. 1872, the debenture of security shall be payable lo 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.

fay mem to survivors of joint payees.

142. Where two or more persons arc joint holders of any debenture or security issued under this Acl. 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 Co **the Corporaiion by any other oi such persons.**

Hcccipl by joiui holder for imcivst oriJivii^nd-

143. (1) Notwithstanding anything contained in this Acl. **the Corporation may consolidate all or any of its loans or part (hereof and for thai purpose may invite tenders Tor a new loan (to be called "lhe '[Kolkata] Municipal Consolidated Loan, 19/20 .....") and may invite holders of municipal debentures to exchange ihcir debentures for scrip of such loan.**

Powor of ihir Corporaiion lo consolidate lonns

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{Port HI.—Finance.—Chapter X.—Loans.—
Sec lions 144-146.)

(2) The terms of any such consolidated loan, and the rales m which l he exchange of debenture as aforesaid shall be perm i lied, shall be subject io the previous approval oflhe Slate Government.

(3) The period for (he extinction of any such consolidalcd loan shall not. without llie sanction of lhc Stale Government, extend beyond the furthest dale within which any of the loans to be consolidated would otherwise be repayable,

(4) The Corporalion shall provide for the repayment of any such consolidated loan by establishing a Sinking Fund for such loan.

(5) the provisionsorseciions I45and 146shall apply toenchSinking Fund established under sub-seciion (4) of ihis scclion:

Provided thai in calculating lhc sum to be paid lo lhc credit of any such Sinking Fund in pursuance of scclion 145, any sums transferred lo such fund shall be taken inLo account.

PriciriLy t)l payments lor inii;n:5l unit repayment of loans over other p ay i nun I.s

144. **All payments due from the Corporation on accouni oT interest on, and repayment of, any loan under this Act shall have priority over all other payments due from lhe Corporation.**

Establish-ment and in aim en mice oT.Sinking Hun Js for louny

***145*. (I) The Corporation shall establish a separate Sinking Fund in respeci of each loan raised under scclion 134 and shall crcdillusueh fund every six months a sum which shall be so calculated that if regularly paid, such sum together with lhe compound interest accruing thereon would be sufficient, after payment of all expenses, lo pay off the loan within the period approved by lhe State Government under the proviso to sub-section (I) of scclion 134,**

(2) The rate of interest accruing on lhe sum referred io in sub-section {I) shall he such as may be prescribed by lhe Stale Government.

power *[a* iJisconimnt pay men l toward Sinking Fund.

146. **If al any lime the sum standing at the credit of a Sinking Fund established under suh-scclion {)) of seciion 145 for the repayment of any loan is of such amount thai if allowed to accumulate at the rate of interest prescribed under sub-section (2) of that seciion, il will be sufficient to pay off itie loan wiihin lhe period approved by the Stale Government under the proviso lo sub-section (1) of scclion 134, further payments towards such fund may. with lite approval of the Stale Government, be discontinued.**

147. (1) All moneys credited to a Sinking Fund shall as soon as possihle he invested by the Corporation in—

(a) Government securities, or

(b) securities guaranteed by the Central or any Stale Government, or

(c) debentures issued by the Corporation, or

(d) debentures issued by ihe '[KolkataJ Metropolitan Development Authority, or

{c) debentures issued by the Trustees for the Improvement of '1 Kolkata), or

(0 dabentutes issued by the Board of Trustees for ihe Port of '[Kolkaia], or

(g) such other public securities as may be approved by llic Slale Government.

and shall he held by lhe Corporation for the purpose of repaying, from time u> lime, lhe loans raised by it by ihe issue of debentures or otherwise.

iiivcmini'm Of itlL' Ĭ miniill ai lhe credit of i Sinking Fund.

(2) All dividends and other sums received in respect oT ;iny such investment shall, as soon as possible, be credited to the appropriate Sinking Fund and invested in the manner laid down in sub-scciion (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 nol be necessary for the Corporation to allocate the securities held in such investments among the several Sinking Funds.

(4) Any investment made under this scction may. from lime to lime, suhjeet to the provisions of sub-section (1), be varied or transposed.

148. (1) For the purpose of investment of any portion of the Municipal Fund, including Sinking Fund, in the debentures issued by the Corporation lor raising a loan, the Corporation, may, with the previous sanction of the State Government, reserve and scL apart any portion of such debentures lor 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 Lhe loan.

Power ot (In.[1] corporatio n to reserve a portion of deben lures, issued Tor raising loan. Tor invest-men i.

(2) The issue of any debentures by the Corporation under sub-section (I) shall not operate to extinguish or cancel such debentures, but every such debenture shall be valid in ail respects as if it were issued to anil in the name of any other person.

(3) The purchase hy, or the transfer, assignment or endorsement lo, the Corporation of any debenture issued by it shall nol operate to extinguish or cancel such debenture and every such debenture shall be valid and negotiable in the same manner and lo the same extent as if i\ were held by, or transferred, assigned or endorsed to, any other persons.

'Sec (iml-nolo 2 on paye 57 V *UMP.*

[West Ben. Act

(Part III.—Finance.—Chapter X,—Loans.—Sections 149$_T$ 150.)

The Corporalion shall,—

(1) when lhc amount due on a debenture has been paid on or after the dale on which payment has become due. or

Discharge of lhc Corporation Train liability under debt mures in cenain cases. **149.**

(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 lo have been lost, stolen or destroyed, cither wholly or in part.

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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 oTa renewed debenture or :t new debenture issued upon subdivision, amalgamation or exchange, after the lapse ol six years from lhc date of renewal or issue thereof, as lhc case may be.

(c) in the ease of a duplicate debenture, after the lapse of six years from the date of the order for issue of ihe duplicate dchenture or from lhc dale of lhc last payment of interest on the original dchcnlurc, whichever date is later.

Explanation.—**In this seciion "debenture" means a dchcnlurc issued under this Act or deemed, under sub-section (2) of scclion 635. to have been so issued.**

ISO. Until any loan is wholly repaid, the Corporalion shall not apply lhe money at lhe credit of a Sinking Fund established under this Act in respeci of such loan for any purpose other than the purpose of repayment of such loan:

Provided that when any loan or pari thereof raised after the commencement of this Acl is consolidated under suh-scction (1) of scclion 143, the Corporalion shall transfer to the Sinking Fund established under sub-scciion (4) of that scction the sum standing al the credit of lhe Sinking Fund in rcspccl of the loan raised prior to such consolidalion or, if a part of such loan is consolidated, such pail of lhe sum al lhc credil of such Sinking Fund us is proportionate to the amount of such loan.

Application of Sinking Funds.

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(Part Hi.—Finance.—Chapter X.—Loans.— Sections 151, 152.)

***151*. (I) The Municipal Commissioner shall, at lhe end of each year, prepare a statement showing—**

(a) lhe amount which has been invested during the year under section 147.

(b) the date of llie last investment made during lhe year,

(e) ihe aggregate amount of the securilies in the hands of the Corporation at the end or the year, and

(d) lhe aggregate amount which has been applied for the purpose of repayment nf loan under seciion 150.

Annual **iaicmcn[by* Municipal Commissioner

(2) Every such statement shall be laid before a meeting of lhc Corporation and shall he published in the *Official Gazette,*

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***152*. (I j All Sinking Funds established under (his Acl shall be subjeel to annual examination by the auditors appointed under seciion 160 who shall ascertain whether lhe cash and the value of securities belonging there lo arc equal lo lhc amount which should be al lhe crcdii of such funds had ihe investment under section 147 been regularly made and had the interest accruing on account of such investments heen regularly obtained.**

Annual examination of Sinking Funds.

(2) The amount which should be at the credit of a Sinking Fund shall be calculated on ihe basis of llie sums credited to such fund under sub-section (I) of section 145.

(3) The value of securities belonging io a Sinking Fund shall be their current value, unless such securities become due for redemption al par wither above their face value before maturity in which case llieir current value shall be laken as tlieir redemption value, except in lhe ease of llie debentures issued by lhe Corporation which shall always be valued at par with their face value, provided thai the Corporalion shall make good immediately any loss owing to lhe sale of such debentures for repayment of the loan raised under sub-section (1) of scclion 134.

(4) The Corporation shall forthwith pay into a Sinking Fund such amount as the auditors appointed under seciion 160 may certify to be dellcii in respeci of such fund, unless the Stale Governincnt specially sanctions a gradual readjustment of such deficit.

(5) If the cash and llie value oflhe securities at the credii of a Sinking Fund arc in excess of the amount which should be at ils credit, the auditors appointed under seciion 160 shall certify the amount of such excess sum. and ihe Corporation shall thereupon transfer Lhe excess sum to the Municipal Fund in the General Accouni,

(6) If any dispute arises as Lo lhe accuracy of any deficit or excess referred Lo in ihe certificate under sub-seelion (4) ur sub-scclion (5). lhc Corporation may, afier payment of such deficit or after transfer of such excess, as the case may he, refer ihe matter to Lhe Stale Government whose decision thereon shall he final.

I Pan HI.—Finance.—Chapter X.—Loans.—Sections 153, 154- Chaptcr XI.—Accounls and Audit.—Sections 155, 156J

Powuror till! Corporaiion lu borrow money I'rom IhcSlatt; Govern men! and attachment of Munici pal h'uml for **[V.:;>U'i v of** SUetl MKllie)'.

153, (1) The Corporation may borrow money from the Stale Governmem for carrying out the purposes of lhis Acl oiher lhan ihose referred io in clauses (a) io (g) of sub-section (1) of section 134, on such terms and conditions as lhe Stale Government may determine,

(2) !f any money borrowed by lhe Corporation from ihe Slate Government before the commencement of lhis Aci or under sub-section (I) is nol repaid, or any inlcresi due in respect (hereof is nol paid, according io the lerms and conditions of such borrowing, lhe Stale Government may attach lhe Municipal Fund or any portion thereof

(3) Afler such attachment an officer appointed in this tielialf 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 respeel thereof which any municipal authority or an officer or employee of the Corporation might have done under ihis Act if such attachment had not taken place and may apply such fund or ihe portion (hereof, as lhe case may be, for pay mem of (he arrear and ihe interest due, in respect of such borrowing and of all expenses incurred on account of the attachment and subsequent proceedings:

Provided lhal no such attachment shall defeat or prejudice any dcbi for lhe recovery of which the fund was previously charged under any law in force for lhe lime being and all such prior dcbl shall be paid oui of the Fund before any part thereof is applied for repayment of the money borrowed.

Attach i nun! of Municipal Fund for sveuriua payment into Sinking Fund

154. If the Corporation fails to make any payment or lo transfer any sum under sub-section (4) or sub-seciion (5), as the case may be, (if section I 52, lhe Slale Government may aiiacli the Municipal Fund or any portion thereof and thereupon the provisions of section 153 shall apply *mutatis a inland is,*

CHAPTER XI

Accounts and Audit

155. Tbe accounls of all financial transactions of lhe Corporation shall be kept in such manner and in such form as the Stale Government may from lime to lime prescribe.

amounts ui **be kepi.**

156. (I) The Chief Municipal Auditor shall conduct a monthly internal audit of the accounls of lhe Corporation and shall report lltereon lo lhe Municipal Commissioner who shall cause an abstract of the receipts and expenditure of llic month last preceding, lo be placed before lhe Mayor- in-Council.

Audit **of** nccoums by lhis Chief Municipal Autlilor.

(2) The Chief Municipal Auditor sh,ill also conduct such oiher audit of the accounts of (he Corporation as the Municipal Commissioner may from time (o time tiircci,

(3) For the purpose of audit or ihe accounls of lhe Corporation the Clticf Municipal Auditor shall have access to all lhe accounts of the Corporation and all ilie records and correspondences relating thereto.

157. (I) The Chief Municipal Auditor shall—

(a) rcpori to the Municipal Commissioner ;iny material impropriety or irregularity which he mny at any time observe in the accounls of ihe receipts and expenditure nf the Corporation;

(b) furnish lo lhe Municipal Commissioner such information as lie may from time lo lime require concerning the progress of audit.

Rupim by the Chief Municipal Auditor.

(2) As soon as may be after the commencemenl **ofcach year ihe Chief Municipal Auditor shall deliver to lhe Municipal Commissioner a report oflhc 'entire accounts of lhe Corporaiion for lhe previous year.**

(3) The Municipal Secretary shall cause the report as aforesaid lo he printed and shall forward as soon as may be a printed copy thereof to each member of lite Corporation.

(4) The Municipal Commissioner shall forward without delay lo the Stale Government as many copics of the rcpori as may be required by the State Government wilh a brief statement of the action, if any, taken or proposed lo he taken thereon.

158. (1) The Chief Municipal Auditor shall audii lhe accounts of the Corporaiion wilh llic assistance of the officers and lhe oiher employee subordinate to him.

(2) In the discharge of his functions under this seclion, llie Chief Municipal Auditor shall audit the accounls of—

(a) expenditure from [he revenue of the Corporation, expcndilure on account of loan and works, and other expcndilure, if any, and shall ascertain whelher the moneys shown lherein as having been disbursed were legally availahle for, and applicable (o, lhe services or purposes to which iliey were applied and whether such expenditure was an expenditure authorised under this Acl;

, (h) debts, deposits in lhe Sinking Funds, advances, suspense, and remittance transactions of the Corporation and shall report upon such accounts and the results of verification of ihe balances in such accounts;

Priicid urc lo be To I lowed by itK-Cliief municipal Auditor.

(c) stores and slocks of ilie Corporation and shall undertake such physical verification thereof as he mnv consider nt-ressnrv

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(3) The Chief Municipal Auditor shall check the inventory of the properties oflhe Corporalion including ils 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 hy the Municipal Commissioner determine the form and the manner in which his reports on the accounls of the Corporation.shall be prepared and shall have the authority to call upon any officcr of the Corporation to furnish any information necessary for the preparation of lhc reports.

159. (1) Subject lo such directions as the Municipal Commissioner may «ive in ihis heh;dr, the Chief Municipal Auditor may make such queries and observations in relation in any of lite accounts of the Corporalion which lie is required to audit and call for such vouchers, statements, returns and explanations in relation lo such accounts as he may think fu,

Power ol lhc Chief municipa l Auditor <o mnfct queries, eic. on J c;i|| forrdunis. eu\

(2) Every such query or observation shall be promptly lakcn into consideration by the officer of the Corporation to whom il may be addressed and shall be returned withotitdelay with the necessary vouchers, statements, returns or explanations to the Chief Municipal Auditor.

(3) 'l he powers of the Chief Municipal Auditor with regard to the disapproval of and the procedure or settlement oT objections Lo any expenditure from lhe revenues of the Corporation shall be such as may be determined by lhc Mayor-in-Council with lhe approval or lhe Corporation.

(4) If the Chief Municipal Auditor considers it desirable that lhe whole or any part of the audit of any accounts shall he conducted in the office in which such accounts originate, he may require such accounls. together wiih all hooks and documents having relation thereto, to be made available at all convenient times in such offices Tor inspection.

(5) Notwithstanding anything contained in sub-section (4), the Chief Municipal Audiior shall have the power lo require any books or other documents relating to the accounls he is required to audit lo be sent For inspection by liini:

Provided that if such documents arc confidential, he shall be responsible for preventing disclosure of their contents.

(6) Subject to the approval of the Municipal Commissioner, lhe Chief Municipal Auditor shall have the authority io frame standing orders and lo give directions on all mailers relating to audii, and particularly in respect or lhc method and the extent of audit lo be conducicd and the raising and niirsuins? of obiceiinns.

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(Part HI.—Finance.—Chapter XI.-Accounts and Audit-Sections 160, 161.)

160. '(I) The annual accounls of lhe preceding financial year of ihe Corporation shall be audited, at lhe end of the next financial year, by the State Government, or by the Auditor appointed by the State Government in this behalf.

Appointment an J piiwtfrs ofaudiiors.

(2) The Municipal Commissioner shall submit accounts to the auditors as required by them:

Provided thai lhe Municipal Commissioner shall nol be hound to submil accounls of expenditure in connection with any anli-con~uplion work hut shall, if so required by the auditors, furnish ccnificalc, under his signature, of all such expenditure.

(3) The auditors so appointed may—

(a) by wrinen 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 audii;

(b) by written summons require any person accountable for or having the custody orconlrol oT any such documents lo appear in person before them or before any officer subordinate to [hem; and

(c) require any person so appearing before them or hcforc any officer subordinate lo ihcm lo make and sign a declaration wiih respeci io such document or io answer any quesiion or lo prepare and submit any statement,

(4) The provisions of sub-section (3) shall nol apply lo the accounts of expenditure incurred in connection with anti-corruption work.

Report and informulkm lobe furnished by auditors.

161. The Slate Government or lhe auditors appointed under seciion 160 shall—

(a) forward lo the Mayor-in-Council information on any material impropriety or irregularity which may be observed in lhe expenditure, or in the recovery of money due io the Corporalion, or in the accounls of lhe Corporation;

(b) forward to lhc Mayor-in-Council information on any loss or wasle of money or other property owned hy or vested in the Corporalion which has been caused by neglect or misconduct and may forward lhe names of the persons who in Iheir opinion, arc directly or indirectly responsible for such loss or wasie;

(e) furnish to lhe Mayor-in-Council such information concerning the progress of audit as lhe Mayor-in-Council may from Lime lo Lime require;

Sub-seclion (I) was substituted for lhe original by s. 9 of the Calcutta Municipal Corporalion (Amendment) Acl, 2001 (Wcsl Hen. Acl V[[| of 2001).

(d) as soon a.s may he after the completion of atidil deliver to the Mayor-in-Council a report on the accounls of the Corporation and submit a duplicate copy thereof to the Corporation, (cj in consuluuion wilh lhe Mayor-in-Council conduct a special audit ofrcccipt or expenditure ofihe Corporation and transmit a report on the same lo the Mayor-in-Council.

VJ. \ CI II'. Council lo i cmcdy tlcfccis anii report ID I 1 1 1! SI ML' Government,

162. (I) The Mayor-in-Council, shall forthwith remedy any defects or irregularities lhal may be pointed out by lhe Slate Government ur llic auditor;; and shall repori to lhe Corporaiion and the State Government lhe aciion taken by il:

1'mvided that if there is a difference of opinion between lhe Mayor- in-Comicil and lhe auditors, ihe Mayor-in-Council. or il lhe Mayor-in- Council does not remedy any defeel or irregularity, ilie auditors, shall refer ihe mailer to the Stale Government wilhin such time and in such manner as the Slale Government may prescribe, and il shall be wilhin llic competence of ilie Stale Government lo pass such orders lliereon as it thinks fit,

(2) **It any order made by ihe Stale Government under sub-seciion (1) is not complied wilh, the provisions of section 116 shall, wilh all ncccssary modifications, he deemed to apply as if such order had been made under .seclion 115.**

163. (I) The Corporation shall refer all reports received under section 161 to ilie Municipal Accounls Coriimiliee for iis examination and repon under section 10.

(2) The report of the Municipal Accounls Commiliee shall be discussed at a meeiing of the Corporaiion for such decision as the Corporaiion may think fit;

Provided thai if no report is received from the Municipal Accounts Committee, the Corporation shall be competent to discuss lhe auditors' reporls under seclion I6I for such decision as il ihinks fit.

lie Ii rente of reports lo l:iij Municipal accounls Cmnniiuee

(3) The Corporation shall puhlish the auditors' reports under section 161 together wilh llic rcporL of lhe Municipal Accounts Commiliee. if any. and ihe decision of lhe Corporaiion lliereon in accordance wilh such rules as the Stale Governmeni may prescribe.

PO\YL'T> of the audimr> lo disallow, surcharge mid charge.

164. (I) The auditors shall, afler giving lhe person concerned an opportunity to submil an explanation and after considering such ex pin nation, iT any, disallow every item of accounts contrary to lhe provisions of lhis Act, and surcharge lhe amounl of any illegal payment

on ihe person making or authorising [he making of such payment, and '* charge against any person responsible therefor the amount of any deficicncy or loss incurred by the negligence or misconduct of such person or any amount which ought lo have been, but isr not, brought into account hy such person, and shall in every such ease certify lhe amount due from ' such person.

(2) **The auditors shall rccorti the reasons for every disallowance, surcharge or charge under sub-section f I) and shall serve in the manner prescribed a certificate of the amount due under thai sub-section, and a copy or such reasons, on the person against whom lhe certificate is made,**

and shall incorporate such cases of disallowance, surcharge or charge in their report to lhe Mayor-in-Council, the Corporation and lhe State Government under seciion 161.

165. Any person from whom any sum has been ecrtified by lhe auditors Rights of under section **164** to be due may, wiihin one month aflcr he has received civi^Court **or has been served with lhe certificate, either— or to the** Sine

(a) apply to a Civil Court of competent jurisdiction to set aside Government or modify such disallowance, surcharge or charge and upon such application lire Court may, afler taking such evidence as it considers necessary, confirm, sel aside or modify the disallowance, surcharge or charge, and the certificate wiih such order as to costs as it may think proper, or

(b) appeal lo the Stale Gnvernmcnt and the Stale Government shall pass such orders as it thinks fii. The decisions of the Stale Government on such appeal shall be final.

166. Where an amount is certified under sub-section (I) of scclion Payment of 164 to be due from any person, such amount, or where such person ^"o^/ proceeds under section 165, such amouni as the Court or the State Government, as lhe case may he, may dccide io be due from such person,

shall be paid wiihin three months from lhe dale of ceriificate under subsection (1) of scclion 164, or. as the case may be, wiihin such period nol less than three months from lhe dale of such decision as lite Court or the State Government, as the case may be, may allow and in the ease of default of payment, the amouni shall be recoverable by the Municipal Commissioner as an amouni decreed by ihe Court of Small Causes of '[Kolkata J.

(Pan !!!.—F inane c.—Chapter XI,-Accounts and Audit.—Sections 167-169J

167. (1) Any cosi allowed by lhe Court under clause (a) of scclion 165 shall be paid out of lhe Municipal Fund within such period as lhe State Government may fix in this behalf.

CDSH pay;it)li: onl ofMhiiiupiil Fund.

(2) It' llie Corporation fails lo pay such cosl wiihin the period fixed by the Slate Government under sub-section (I), lhe Slate Government may iiilach lhe Municipal Fund or any portion thereof and lhe provisions of sub-seciion (2) of section 153 shall, will) all ncccssary modifications.
he deemed lo apply in respeci of such allachmeni.

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168. Where a person from whom an amouni is certified io be due under sub-section (1) of scetion 164 is a member of lhe Corporalion or of a commiitcc thereof or is an officer or employee of ihe Corporation and where such person lias nol paid such amount within three months from the dale of such ccrtifieaie, or where an amount declared io be due from such person under clausc (a) or clausc (b) of scclion 165 h:is nol hcen paid by such person wiihin such period nol less lhan ihree months from the dale of such declaration as may be allowed to him under scclion 166,

Rffccl ol n on-pay mi: n I o f eorlificd

such person shall be deemed lo have vacated his seal or to have been dismissed from lhc servicc of llie Corporation, as ihe case may be, with effeci Tram lhc dale of an order lo he made by the Stale Government in this behalf and shall nui be eligible for rc-eleclion or reappointment, as the case may he, until the amount as aforesaid has been paid by him.

169. (1) The Slate Government may make rules for the purpose of carrying inio effeci the provisions of ihis Chapter,

Pouᶠurtif lhc Si ale Guv^rnin^f it Tn i;i -i .i' n 11 .ʏ s

(2) In particular and without prejudice lo lhe generality of the foregoing power, sueh rules may provide for all as or any of the following malLcrs:—

(a) lhe manner and form in which the accounts of the Corporalion shall be kept under seciion 155;

(b) lhe lime within which, and lhc manner in which, the mailer referred lo in the proviso io suh-scclion (I) of scction 162 shall be referred lo the State Government;

(c) the publicaiion or lhc Auditors' **report together wiih ihe report of the Municipal Accounls Committee under suh-scclion (3) nf seciion 163: -**

(d) the manner of serving certificate under sub-seciion (2) of seciion 164',

(c) any other matter which may be or is required to be prescribed under lhc provisions of this Chapter. .

(Pan IV.—Taxation.—Chapter XII.—Powers of taxation and properly tuxes.—A. Law of Taxes.—Scclion 170.—B. Property lax an lands and buildings and surcharges.—Seclion 171.)

PART IV

TAXATION

CHAPTER XI]

Powers of taxation and '[property taxes].

A. *Levy of Taxes* *

Taxesio be levied hy I ho Corporation,

170. (I) The Corporation shall. Tor the purposes or ihisAci, have the power io levy lhe following laxes:—

(i0

a '[properly lax] on lands and buildings,

* * *

(c) a lax on advertisement oilier than the advertisements published in newspapers, - * ***

(d) a "'[toll,]

[J](e) a tax on carl, and

'(f) a tax on carriage,

(2) The levy, assessment and colleclion of laxes mentioned in subsection {1) shall be in accordance with the provisions of lhis Acl and the rules and the regulations made thereunder.

B. '/Property tax] on lands and buildings aiid surcharge

[l]j Properly lax] Dn lands and buildings

171. (I) For the purposes of this Act, a '[property lax] rates on the annual determined under this Chapter, of lands and buildings in'[KolkaiaJ shall be imposed by the Corporation.

(2) Such '[property lax] shall be,—

(a) where the annual value does nol exceed six hundred rupees, eleven *per cenr.* **of the annual value;**

(b) where the annual value cxcccds six hundred rupees but does not exceed eighteen thousand rupees, such percentage of the annual value as is worked out hy dividing the annual value by six hundred and adding len to ihe quotient, lhe sum thus worked mil being rounded oil' to ihe nearest first place of decimal;

(e) where the annual value exceeds cighleen [housand rupees, forty *per l ent,* **of lhe annual value.**

St'i fool-noto 2 page 633,. *wi***rr.**
'Clause (b) was omilled by s, 3 of llic Cakulta Municipal Corporation (Amendment) Acl, TO2 (West Ben. Acl IX of 1992).
'Tlie iiwd "and" was omilcd by s. 5(1) of Ihe Cateuila Municipal Corporation (Second Amendment) Acl. 1984 (Wcsl Ben. Acl XI11 of 1984).
Tin: word wilhin llic square brackcls was subsliluicd for ihe word "loll." by s. 5(2). *ibid.* 'Clauses <e) anil (I) were inserted by s. 5(3), *ibid.*
'*Si r* I<:y>'. **IKHO** 2 on page 567. *aittc.*

[West Ben. Act

(Part IV.—Ta xation—Chapter XII.—Powers of Taxation and pmperiy tribes. —H. Property tax on lands and buildings and surch ci rge. —Se ction 171.)

'(3) In calculating lhe gross amount of -[properly lax] including tax under the Howrah Bridge Acl, 1926 thai may be imposed on lands and BUN AL-I IV buildings {including huls) perquanerand lhe net amoul payable per quarter [or] after allowing rebaic under sub-section (2) of section 215, lhe fraction of a rupee shall be rounded off to (he nearest rupee, IIfly paisc being treated as rupee one.

(4) Notwithstanding the provisions of sub-section (2)[9][and suh-scclion (9)[, llie Corporation may, where may land or builciing[J]for hut] or portion there of is used for commercial or non-residential purpose, levy a surcharge on the -[property tax] on such land or building [4][or hut) or portion thereof at such rate nm exceeding fifty *per cent* **of the -[properly lax] as ihe Corporation may from time to lime determine:**

Provided that where any portion of any land or building [fl][or hui] is used for commercial or non-residential purpose, the amouni or the [:][property lax] payable in respect of such portion shall, while fixing the -[properly tax] for die entire land or building -^or hut], be separately calculated:

Provided further lhai subject to such rules as may be made by the Slate Government in ihis behalf for the grant of exemption from surcharge in respeci of any class or classes of'lands or buildings '[or huts], used for educational, medical, public hcallh or cuilural purposes or for purposes of spoi ls, the Corporation may exempt any such land or building [7][or hut]
from payment of the surcharge:

Provided also lhai such exemption shall in no ease exceed seventy- five *percent,* **of llie surcharge.**

(5) Where a newly constructed building is used exclusively for residential purposes, a rebate of twenty-five *per cent,* in the -[property l;u] as determined under sub-scclion (2) shall be allowed for first three years'[from the quarter following the dale of issue or initial) the occupancy certificate under the provisions of this Act:

Provided (hat such rebate shall nol be allowed for old buildings which have been redeveloped through alterations or additions:

Provided further that such rebaie shall be allowed in respect of such building in so far as il is a single unit of assessment under ihis Chapter.

'Sub-section (.1) was substituted for lhe original sub-scclion by s. 6(1) of Lhc Calcutta Municipal Corporalion (Second Amendment) Acl, I9R-1 (Wcsl Bon. Acl XIII of 1984).

-*See* foul-mile 2 (in page 613., *mile.*

'The wonls, brackets tind I]gun; wiihin lhc square hrjtkcls were inserted by s. 6(2 Xa). *ibid*

[J]The winds wiihin lhc square brockets weie inserted by s. 6(2)(b), *ibid.*

'The words wiihin ihe square brackets were inserted hy ,s. 6(2)(e), *ibid*

The words wiihin lhc square brackris were inserted hy s. 6(2)(d)(i). ***ibid.***

"The words wiihin lhe square brackets were inserted hy v G(2)(d)(ii). *ibid.*

'Tlic words. Idler and brae kef. w ft bin the square brackets were subs! uu led Tor lhc words, I oner and brackets "in clause (a) or Tor" by *. 7(a)(i) of the Calcutta Municipal Corporation < Amendment) Aci. 1983 (West Ben. Acl XXXII of 198.1),

[l]Thc words wiihin lhc square brackcls were inserted by s. 7(a) (ii). *ibid.*

'The words, brackets and %ure within [he square brackets H ere substituted for the words, brackcls and figures "sub-sect ions (2) and (4) or cslofiwhcrt in this chapter" by 5, (i{4) of the Calcutta Municipal Corporalion (SecondAmendment)Act, 1 'JX I (Wcsl Bcn.Aci XIII nl 1984).

[J]i'(r fool-note 2 on page 633, *time.*

The words. leilcr* and brackcls within lhc square brackcls were substituted for lhc words "such *busier"* by s. 7(b) of Ihe Calcutta Municipal Corporalion (Amendnienl) Acl. 1983 (Wcsl Ben. Act XXXIJ or lyt>3>.

"The word wiihin ihe square brackeis was inserted by s. 10(i) oflhe Calcutta Municipal Corporalion (Amcndmcm) Acl. 200) (Wcsl Ben. Acl Vtlt of 2001).

Sub-clause (iv) wax inerttd by s, 10(ii). *ibid.*

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[1] The words wiihin the square brackets were substituted for the words "from (lie dale of issue or by v 6(3) of lhe Cnlculta Municipal Corporalion (Second Amendment) Acl. 1984 (Wesl Hen.Act Xlll of 1984).

(Pan IV,—Taxation,—Chapier XII.—Powers of Taxation and property laxes. —B. Properly tax on lands and building and surcharge.—Section 171.)

(6) Notwithstanding anything contained in lhis Chapter. kinds unci buildings which are liie properties of (he Union, shall be exempt from the '[properly lax:)

Provided lhal noihing in lhis sub-seciion shall prevent lhe Corporation from levying on such lands ;ind huildings a '[properly lax] to which immediately heforc the commencement oT this Acl they were, or were treated as. liable:

Provided further thai lhe Corporation may levy a service charge on such huildings on lhe basis of such annual value and at sucli rale may be determined by the Central Government from lime to time.

(7) Notwithstanding anything contained in the Chapier. lands and buildings which vest in the Board of Trustees for the Port of :[Kolkaia] shall, for the purpose of levying a '[property lax] thereon, be assessed in accordance wilh the provisions contained in Pari IV of lhe :[Kolkata] oriS'K] Port Act, 1890 and lhe agreement, if any, hctween the Board ofTruslccs for the Port or -[Kolkaia] and ilie Corporation under ihe said Acl.

(8) Noiwilhsianding anything contained in sub-seciions (2) and (4), lhe '[properly lax] on the—

(a) land owned by or belonging io—

(i) the Board ol'Trusiecs forthe Improvement of'[Kolkata], ' constituted under the :[Kolkala] Improvement Acl. 1911, or

(ii) the -[Kolkata] Metropolitan Development Authority, constituted under the :[Kolkaia] Metropolitan Development Authority Acl, 1972, or

(iii) lhe Wcsl Bengal Housing Board, constituted under the West Bengal Housing Board Act, 1972, or

0v) ihcwesi Bengal InduMrial InIrasLrucLurc Development Corporation, established under the West Bengal Industrial Infrastructure Development Corporation Act, 1974, or

(v) such oilier statutory body as may be notified by the Stale Government in lhis behalf from lime lo time, fur the purposes of development schemes in accordance with ihe published or approved plans but nm put losiicli use, shall be iwenly-onc *per cent,* or the annual value oT such land as deermined under this Chapier;

(b) land or building acquired, constructed, purchased or owned by lhe Government or any of the statutory bodies mentioned

[West Den. Act

(Ptirt IV.—Taunion,—ChapterXII.—Powers of Taxation and properly taxes. —B. Property tax on lands and buildings and surcharge.—Section 172.)

'[in clause (a) Tor] any Government approved scheme for (he purpose of subsidised housing lor persons belonging to low income group or indusiriul workers and comprising of tenements let out to such persons nn a monthly rent shall be twenly-onc *per cent,* of the annual value of such land or building determined under this Chapter;

(c) land or building acquired, constructed, purchased or owned by :[Government orj any of the statu lory bodies mentioned in clausc (a) for any other purpose shall be at the rate determined under sub-sections (2) and (4) of this scclion. (9)

Notwithstanding anything contained in -'[sub-section (2)], the [J][properiy tax] shall nol excccd,—

(a) in respect of land, hut or building in a *bus ice* **improved under (he Wcsl Bengal Slum Areas (Improvement and Clearance)** WCSL Ben. **Act. 1972,** *eighteen per cent,,* **and 197*^**

(b) in respect of land, hul or building in any oilier *'hu stee'* **fifteen** *per cent.,*

oflhe annual value of[5][such land, hul or building in a *bustee* **referred to in clausc (a) or clause (b), as the case may be,] determined under this Chapter.**

Kxemplion or kinds and buildings from [J] [property tax].

172. {1) Notwithstanding anything contained in the foregoing sections in ihis 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 Ihe purpose of public burial or as burning ground, or any other place used for the disposal of the dead duly registered under ihis Act, or

(iii) open spaces including parade grounds which arc the properties of Government, [r][or]

[:](iv) Social Welfare Homes run hy the Stale Government, shall be exempt from the [J][properly tax|.

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Explanation.— **For llic purpose of sub-clausc {1) of clause (a) of this sub-seciion, any land or huilding used for Lhe purpose of public worship shall not be deemed lo be exclusively used for such purpose if on such land or in such building any irade or business is carricd on or any rent is derived in respccl of such land or building;**

(b) the Mayor-in-Council may exempt from lhe '[properly lax]—

(i) any land or building the annual value of which does nol exceed ihrce hundred rupees:

Provided lhal where a person owns or occupies more than one piece of land or more ihan one building and the aggregate, annual value ol" all such lands and buildings cxcccds three hundred rupees, such lands and buildings shall nol be exempt from lhe '[properly lax]:

(ii) any land or building exclusively used wilh ihe approval of the Mayor-in-Council for lhe purpose of public charily or for the purpose of medical relief lo or education of lhe poor, free of charge;

(iii) any land used for slreel, any open spue for public playground, or any public park under any of lhe statutory bodies mentioned in clause (a) of sub-section (8) of seclion 171.

(2) The Municipal Commissioner shall cause io be maintained a register showing separately ihe lands and buildings exempted from lhe '[property lax] under sub-section (1) in such form as may be determined by regulations and such register shall be open lo lhe public for inspection.

Exemption of diplomatic or consular mission of a foreign stale from payment or any mo. la* or fee.

173. The Slate Government may, by order, exempt from lhe payment of any rate, tax or fee payable under lhe provisions of lhis Acl any diplomatic ur consular mission of a foreign slate and the diplomatic or consular officers of such mission.

Exemption of lands and builrfing.s of cx-sL-rvicc-men.

173a. **Notwithstanding anything conlained in the foregoing provisions of lhis chapter, lhe Mayor-in-Council may, hy a resolution, exempt 25** *per cent,* **of the '[properly tax] on any land or building belonging to an ex-serviceman, or Tamily of a deceased soldier or ex-serviceman, who has no other land or building in any pan of the Slate of West Bengal and who is residing in thai land or building.**

(Pan IV.—Taxation.—Chapter XII.—Powers of Taxation and property taxes.—Section 174.)

C. *Determination of Annual Valuation*

Determination 174. (I) **Notwiihsianding anything contained in** ihe **West Bengal** West Ben. **valuator!**
Premises Tcnancy Acl, 1956 or in **any oiher** law **for lhe lime being** in **195*"** [of] force, **lor die purpose of assessment io** lhe [10] **[property** lax], Lhe **annual value of any land or building shall be** deemed **10 be** lhe **gross annual rem including service charges, if any, ;il which such land or building** might **ai lhe** lime **of assessment be reasonably expected lo lei from year lo year.**

less an allowance of ten *perccnt.* **tor the cost of repairs and oiher expenses necessary lo maintain such land or building in a state lo command such gross rent:**

^Provided lhal where there is a transfer, *inter vivos,* **of ownership of any land or huilding since the last preceding periodical assessment under scction 179, the annual value of such land or huilding sludl be fixed at seven and a half** *percent,* **of the amounl 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 ihe estimated market value thereof;**

'[Provided further lhatj while determining the annual value in the ease of any land or building or portion thereof exclusively used by the owner Cor 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 reni exceeds six hundred rupees but docs not exceed eighteen ihousand rupees, by such percentage of the gross annual rent as is worked out by dividing lhe gross annual rent by six hundred and subslracting lhe t(uolienl from thirty-one, the difference being rounded olT 10 the nearest place ofdeciinal:

[J][Providcd also that] no such reduction in gross annual rent shall be made—

(a) in case lhe lolal covered area in any land or building under occupation for residential purpose by the owner exceeds one hundred and fifty square metres, or

(h) where a person owns or occupies for residential purpose more than one plot of land or building or portions thereof wilhin the municipal limit of '[Kolkata].

'The worxis within the square hiv.ck^ts wen; substituted fur the **MORİS** "for purposes ol sports" by v 7 of(hi Calcutta Municipal Coiporalion (Second Amendment) Act. 198-1 (West Bcn,Ai;iXN[ori9S4),

[2]Snb-scction <*1A) was inserted by s. K of (he Calcutta Municipal Corporation (Amendment) Acl. 1983 (Wcsl Ben. Acl XXXII of 1983).

(2) The annual value of any land which is not buill upon shall he fixed al seven *percent,* **of lhe estimated markel value oT the land.**

(3) If lhe gross annual renl of any class or classes of lands or buildings used exclusively lor hospital or educational purposes or '[for lhc purposes of sports or as a placc of worship or as a place lor disposal of lhc dead| cannoi be easily estimaied. lhe gross annual renl of such building shall he deemed lo he five *percent,* **of |lie value oflhe building obtained by adding |he estimated cost of erecting |he building a[the time of assessment less a reasonable amouni in be deducted on account of depreciation, if any, to lhe estimated present markel value of lhe land valued with the building as part oflhe same premises.**

(4) In the ease oT any land nr building or pari thereof used for public cinema shows or theatrical performances; or as a place of similar public recreation, amusement or entertain men I. the gross annual rem of such land or building or part thereof, as lhe case may be, shall lie deemed io he seven and a half/wrwi/. of ihe gross annual receipts in respect of such cinema shows or iheairieal performances or place of public recreation. amusemcn(or cntcriainmeni, including receipts from renl and advertisements and sale of admission tickets but excluding laxes on (he sale of such tickets;

Provided thai the provisions of (his suh-scclion shall not apply in the case of temporary fairs, circuses, and casual shows or performances.

-{4A) ir the gross annual rent of any land or building or part thereof cannoi be easily estimated, the gross annual rent of such land or building for the purposes of suh-seclion (1) shall be deemed lo be seven and half *per cent,* **of lhe value of the building obtained by adding the estimated present cost of erecting the building at the lime of assessment less a reasonable ainourn to be deducted on accouni of depreciation, if any. to the eslimaled present market value of the land:**

Provided that lhe estimated present cosi shall not include the cosi of any plunl 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 |o the nearest ten rupees.

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(Par/ IV.—Taxation.—Chapter XII.—Powers nf Taxation and property taxes.—C. Determination of Annual Valuation.—Section 178.)

(iii) each residential unil wiih iis percentage of [he undivided interest in llie common ureas and facilities constructed or purchased and owned by or under the control of any housing Wcsi lien, co-operative society registered under lhe West Bengal Co-xXXVlllof operative Societies Act, 1973, shall he assessed separately. 1073.

(iv) each apartment and its percentage of lhc undivided iuteres! in the common areas and ihe facilities in a building within the Wcsl "en. meaning of the Wcsl Bengal Apartment Ownership Ac l, 1972,

a declaration in respect of which has been duly executed and registered under the provisions of lhai Act, shall be assessed separately;

'(v) every land comprised in a *thika* tenancy with hui or building made thereon, either in *nbustee* or otherwise, shall be assessed sparatcly as a single unit;

'(vi) every land, which is not built upon, comprised in a *thika* tenancy, either in a *btistee* or otherwise, shall be assessed separately us a single unil.

(3) Notwithstanding the assessments made before lhe commencement ■ of this Act, the Municipal Commissioner on his own may amalgamate or sepiirale 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 nf this scclion.

(4) If the ownership of any land or building or a portion thereof is subdivided inlo separate shares or if more than one land nr building or portions thereof by amalgamation come under one ownership, ihe 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 cunfonnily with the provisions of ihis section.

(5) A newly cusntmcied building shall become assessable from [the quarter following] the dale of issue of the occupancy certificate under the provisions of this Acl:

Provided that if such building is occupied before the issue of lhc occupancy certificate in contravention of the provisions of this Act, such building shall he liable for asscsmcnl from the ■'[quarter following tliej

'Clauses (v) and t vi > uctv subslilulcd for llic original tbusc (v) by s. 10 of Llic Calcuua Municipal Corporation (Amendment) Act, I9S3 (West Ben. Acl XXXII of 1983).

The words wiihin ihi: square brackets were inserted by s. 9(h){[) of ilicCalculla Municipal Ccirpumlion (Sccond Amendment) Acl. I'JSJ (WeM Ben. Acl XIII of I9B4).

'**TI**il' wiails wiihin ihe square brackets were inserted by s 9tb)(ii)(a). *ibid.*

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dale of its occupation[11] land notwithstanding any oilier action lhal may be ■' taken under lhis Act. such building shall nol get the benefit of the rebate in lhe [Properiy lax] under sub-scclion (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 lhe Corporaiion by regulations, furnish information lo such person regarding ilie apportionment of the [properiy lax] of such land or building among the several occupicrs wilhin such land or building for ihe current period or the period immediately preceding:

Provided thai nothing in this sub-section shall prevent the Corporaiion from recovering the dues from any such person.

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d. *Assessment*

„ . Periodic

179. (1) Theannual value of any land oi huilding situated in any ward assessment of lhe Corporation, which has been determined before and is in force on the dale of commencement of litis Acl, shall remain in force, and shall be deemed to be the annual value for the purpose of assessment of [propcrly tax| on such land or building under thisAci. uniil a fresh annual valuation is enforced under ihis Act:

'Provided that the annual value of any such land or huilding, which has been made before hui nol finally determined on the dale of commencmenl or this Acl, shall be determined under lhe provisions or the [Kolkata] Municipal Acl. 1951 and shall be deemed lo be annual west Run value in force on the dale of commenccmel of this Acl. Act XXX III

(2) The annual valuation under this Chapter—

(a) shall be made by the Municipal Commissioner or, iTthe Slate Government so direis, by lhe Central Valuation Board established under the West Bengal Central Valuation Board , Act. 1978; We-,! Hen **Act Lvtioi'**

.(b) shall have effect from lhe beginning of the quarter of a year lJ78. **ending on the 30lli June nr 30lh September or 31 si Dcccmber or *3* I st Mareh, as lhe case may be. following that in which a notice under .sub-scclion (2) of seclion 184 is issued:**

ft) shall, subject to the other provisions of this Chapter, remain in force in respect of each ward oT the Corporation for a period of six years, irrespective of any alternation during such period in the numher or boundaries of such ward; and

'The words, brackets nil J figure wiiliin llic square brackets were substituted Tor the words, nolwiihslandini: any penalties dial may be imposed or other aw ion lhal mny he laken UIIILLT lhis Acl." by s. y(b)(ii)(b). of lhe Cakulla Municipal Corporaiion (Second Atnenitmeni) Acl, iy8*l (West Hen. Aei XIII of I'JM).

yi'l't' foDl-nole *2* on pnee 631. *milt'.*

'Proviso was :iddi:i!bv v Ifl of I he Cakulla Municipal Corpnraunn (Second AniendmenO Acl, l'JiS-1 (Wesl Den. Act Xlll or I'JKJ).

fool-no lL 2 un p.i^e 573. t."i,v

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11 l(2Uc I oTlhc Cjkulu Municip.il Corporalion (Sccond Amendment) Acl. I9B-1 (Wesl Ben. Au Xlll of 19K-1J.

fotil-iune 1 on i.i033,

[11] Xlic '.vords.wilhin I he square br-jckels wore subsliiuicil l or die words "whi-n nny ponton or ;iny land or buildine is acquired" hy s. I t(2)(d) of lhe Calculla Municipal Corporaiion (Second Amendment) Acl. I9K4 (Wesl Ben. Acl XIII of 198-4).

Clause (vii) was substituted lor the original clause by s. I](21(c), *ihiìl* 'Clause (viii) was .subsiiluted forth; original clause by s. 1 l(2)(f), *ibid.*

[1]The words, figures and brackets wilhin lhe square brackets were substituted for lhe wonls, figures anu brackets "sub-seciion 11) or sub-section (2) of seelion ISO," by s. 11 of the Calcutta Municipal CoiporalioiuAmcndincnl I Acl, 19S3 (Wesl Ben. Act XXXII of 19.S3!

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(d) may he revised on llic expiration of each such period:

Provided dial when the annual valuation of any land or building has nol been revised on lhc expiry of any such period Tor reasons io be recorded in writing, lhc previous annual valuation shall coniinuc to remain in forcc until il is so revised:

Provided further lhai llic Municipal Commissioner may. on llie expiry of such peri tid. revise ihe annual valuation of such land or huilding at any time and such revised valuation shall take effect from the beginning or lite quarter from which lhe annual valuation would have been revised under tins clause.

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ko'imon<'i 180. (i) **Notwithstanding anything contained in seciion 179, lhe n5SL55nn.iu Corporalion may by resolution dircet a general revaluation of lands and huildirigs in any ward of llie Corporation or pari thereof during the currency of any period specified under ihis Chapter. '[Such general revaluation shall have cil'eci from the beginning oflhe quarter following thai in which a noiiee sub-section (2) of scclion 184 is issued and shall reamain in Ibrce in rcspect of each ward or portion thereof as lhe 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 ^[Municipal Commissioner) may cause any revision to Lie made in the annual valuation of any iand or building '* * * in the following cases:—

[4]{i) when there is a transfer, *inter vi\w.* **of its ownership: or**

(ii) when any tenancy or any renl changes; or

(iii) when lhe nature of its use changcs: or

(iv) '[when a new building is ercclcd or an existing building is] redeveloped or substantially altered or improved during the period lhc annual valuation remains in force; or

(v) when, on an applicaiicn made in wriling by the owner or llie person liahle to pay its '[property tax] il is established thai

during die period of Lhe annual valuation remaining in forcc its value has been reduced hy reason of any substantial demolition or has suffered depreciation from any act:idem or any calamity proved to the salisfaciion of the Municipal Commissioner (o have been heyond the control of.such owner or such person; or (vi) '[when any land or buildin« or portion thereof is acquired by purchase or otherwise) hy the State Government or the Corporation or any statutory hody mentioned in clause (a) of sub-sellion (8) of section 17 I during |he pcriud of the annual valuation remaining in forcc;

[2]{vii) when any land or building or portion thereof, is sold or otherwise transferred by the .Slate Government or the Corporation or any statutory body mentioned in clause (a) of sub section (3) of section 171:

Provided lhal all land used for roads and other public purposes shall be excluded from such revaluation; or

Xviii) when, upon lhe 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 ihe annual valuation of any land or building or punkin thereof under this seclion shall come into force from the beginning of the quarter of a year ending on the 30th June or 30lh September or 31st December 3 1st March, as the case may be. following that in which such revision becomes applicable and shaJI remain in force for lhe unexpired portion of the period during which hut for such revision such annual valuation would have rcamined in force.

(4) Notwithstanding anything contained in suh-section (1) or subsection (2) or sub-section (3), any land or building,-—

(i) which for any reason has no annual value assigned to it under this Acl, may be valued by the Municipal Commissioner at any time during the currency of (he period specified in respect of such land or building under section 179 or ""[suh-section (3) of section 180,J

(ii) the valuation of which has been cancelled on (he ground of irregularity, may be valued by the Municipal Commissioner

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:■ **al any Lime after such cancellation, and such valuation shall remain in force until a IVesh valuation or revision remain in I'ciicc until a fresh valuation or revision is made and shall lake effeci from lhc beginning of Ihe quarter from which the previous valuation which has been cuncclled would have laken effeet :**

Provided that the valuaiion made under clause (i) or clause (ii) shall remain in force for the unexpired portion of the period specified under this chapter.

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Subiimsinn **(j j 'f|lc Municipal Commissioner may, wiih a view 10 enabling inspection nf him to determine the annual value of any land or building [1] [in any word lands mid or p;irt thereof] and the person primarily liable for the payment of any buildings** tor ' ' **purptisos** of **[property tax] on such land or building, [by public nolice,] require lhe** nssi'.kiii'tnl. **owner or lhe occupier of such land or building or portion thereof io furnish a return in such form, within such period and in accordance with such procedure as, may be prescribed,**

(2) The Municipal Commissioner may, '[by public nolice.[■ require ihe owner or (he occupier of any land or building or portion thereof ^in any ward or part lhcreof| used for public cinema shows or thcalrical performances or as a place of similar public recreation, amusement or entertainment to furnish a return in such form, wiihin such period and in accordance with such procedure as may he prescribed.

(3) Every owner or occupier ''[of any land or building referred lo in (he public notice,] under suh-scclion (1) or sub-sec lion (2) shall be bound lo comply wiih such notice and io furnish a return with a declaration thai lhe statement made therein is correct lo the besi of his knowledge and belief.

(5) The Municipal Commissioner orany person subordinate lo him and authorised by him in wriling in this behalf may, without giving any previous notice to the owner or the occupier of any land or building, enier upon, and make an inspection or survey and lake measurement of, such

(Part IV.—Taxation.—Chapter XII.—Powers of Taxation and properly icixes.—D. Assessment.—Sections 182, IS2A.)

laud or buildiug and verify lhe statement made in any return for such and ' or building submillcd under ibis Chapier.

I * * * W * *

Submission of pun'"'™ of re vision in **v^'iuui'ion'of lands and buildings.** **182. To enable lhe Municipal Commissioner lo revise lhe annual value olan>' 'aRd or building governed by any circumstance specified in sub-section (2) of seclion 180. except in respect of a case under clause (v) thereof, the owner or the person liable to pay (he '[properly taxj for such land or building shall furnish to the Municipal Commissioner, nol laier ,[1C 3] of March of the year immediately following, a reiurn in such form as may be prescribed:**

* * * * *

J* * * * * *

of rcium.

Self- **'182A.** (1) **Notwithstanding anything to the contrary contained anif^"^"' elsewhere in lhis Acl, any owner or person liable to pay the ˙[propcny** submission **lax] on—**

(a) any new building or existing building which has nol been assessed, or "

(b) any existing building which has been redeveloped or substantially altered or improved aflcrihe 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 ˙[properiy lax] together wilh interest, if any, payable under any provision of this Acl, 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 Corporaiion of such valuation, where the total floor area of such new building or existing building exceeds .400 square metres:

Provided further that lhe valuation on self-assessment, where lhe total

[West Ben. Act

{Par! IV.—Taxorion,—Chapier XII.—Powers of Taxation and properly ni.w.—D. Assessment,—Seclion JS2A.)

floor area oT a new building or existing building exceeds 400 square me I res or nol. sliiill be-

in) where ihe value of land and building docs not exceed Rs. 2.01) lakhs of ihe scll'-assescd value—I pcrccnt;

fb) where the value exceeds Rs. 2,00 lakbs—1.5 per eeni.

*Explanation.—**Fqt*** **lhe purposes of lhis sub-seciion.—**

(1) "last assessment" shall mean the assessment where the annual value has been determined by llic hearing officer under this Aet and communicated to the asscsscc;

(2) "Institution of Surveyors" shall menn the Institution of Surveyors recognised as such by ihe Government oT India;

(3) "value" shall, in the case of an apartment, mean die cost of the apartment and ihe proportionate eosl of lhe land.

<2} Such owner nr person shall furnish lo the Municipal Commissioner a reLurn of self-assessment in such form, and in such manner, as may be prescribed. Every sucb return shall be accompanied by proof of payment of such '[properly lax| and interest, if any.

(3) The payment of such '[property tax] and. interest, if any. shall be made, and such return shall be furnished, wilhin sixty days of ihe commencement of the Calcutta Municipal Corporaiion (Amendment) Acl. 1996.

(4) In the case of any new building for which an occupancy certificate has been granted or which has heen taken possession or after the commcnccinein of lhe Calculla Municipal Corporaiion (Amendment) Acl. 1996. such payment shall be made, and such return shall be furnished. wilhin thirty days of the expiry oT 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 he for the whole or any part of the building;posscssiisn may he of the whole or any part of a building.**

(5) Such payment shall continue io be made for each subsequent quarter and lhe last dale of such payment shall be ihirly days after the expiry of cach such quarter.

(6) After the assessment under seclion 179 or revision of assessment under seclion ISO has been made, any amounl paid on seir-assessmcnl under lhis seclion shall be deemed to have been paid on account of the assessment under section 179 or section ISO. as the case may he.

(7) if any owner or uthcr person, liable lo pay ihc'fproperiy tax] under this Acl. fails lo pay lhe same together wilh interest, if any. in accordance with the provisions of this seclion, he shall, without prejudice to any other

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consequence lo which he may he subject, he deemed lo be a defaulter in respeci ol lhe '[property [ax] or lhe interest or both remaining unpaid.

and all ihe provisions of ibis Acl applicable to such defaulter shall apply lo him accordingly.

(8) A Tier llic assessmenl is finally made under this Act, if the pay men I on self-assessment is found lo he less lhan tiiat of llie amouni payablt by lhc assessce, in such case lhc asscssee shall pay up (be difference wiihin two months from the.dale of final assessmenl, failing which recovery shall be made in accordance wiih llic provisions of ihis Acl but. after the final assessment, if il is found lhai lhc assessce has paid excess amount.

in such case such excess amount shall be adjusted against the actual tax payable by llie assessec.

183. (I) Whenever lhc title of any person to any land or building is Noiicc **of transferred, such person, if primarily liable for ihe payment of'[property** imilslcri **lax] on such land or building, and the person to whom lhe lille is so transferred shall, wiihin three months afler the execution of lhe instrument of transfer or after its registration, if il is registered, or after lhc transfer is effected, if no instrument is executed, give noiicc of such transfer in writing lo lhc Municipal Commissioner.**

(2) In the event of the death of any person primarily liable as aforesaid, lhc person on whom lhe lillc of such land or building devolves shall, wiihin six months from (he dale of death of the former, give notice of such devolulion in writing to the Municipal Commissioner.

(3) The notice under ihis section shall be in such form as may be prescribed, and ihe transferee or the person <in whom the title devolves shall, if so required, be bound to produce before the Municipal Commissioner any documents evidencing the transfer or devolution,

(4} If any person, who transfers his lille to any land or building, fails LO **give any nolice under Ihis scclion to the Municipal Commissioner, he shall, in addition io any penalty to which he may be subject under ihis Acl. continue lo be liable for payment of '[property lax] on such land or building until he gives such notice but nothing in this seciion shall be deemed lo aflect lite liability oflhe transferee for payment of the '[Property tax] on such land or building.**

(5) Tiie Municipal Commissioner shall, on receipt of a notice of transfer or devolution of title under this section -[and upon payment of such (ees as may be detenuincd by regulations] record such transfer or

devolution in a book '* * * * * anc j aJso jn (|le Municipal Assessment Book.

provided Lhal nothing in ihis sub-scclion shall derogate from lhe power of the Corporation to refnse mutation in a case where there is arrenr uT any dues io the Corporation on account of the transfer or lhe predecessor- in-interesi of the applicant.

(6) On a written request by the Municipal Commissioner, the Rcgistar ol' Assurances, '[Kolkatal. or ihe District Registrar 24-Pnrganns, shall furnish such particulars regarding registration of instruments of transfer of immovable properties in '[Kolkntnjas the Municipal Commissioner may. from lime to time, require.

(7) Notwithstanding anything conlaineiJ in suh-scclion (6). the Registrar of Assurances. '[Kolkalal, or the District Registrar, 24-Parganas, shall furnish Lo the Municipal Commissioner such particulars soon after lhe registration of an instrument of transfer is effected, or. if (he Municipal Commissioner so requests, such periodical returns ai such intervals as the Municipal Commissioner may fix.

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184. (I) When the annual valuation under sub-section (2) of section Public noiicc **179 or a general revaluation under sub-sect ion (I) of section I SO in any** inspection of **warcl of the Corporation or part thereof, as the case may be, has been** assessment **completed, the Municipal Commissioner shall cause the respective lisl' valuation to be entered in an assessment list in such form and containing**

such particulars with respect to each land or huilding 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 lisl or a copy thereof may be inspecied, and every person claiming lo be ilie owner, lessee, sub-lessee or occupier of any land or building included in the lisl and any authorised agent of such person shall be ai liberty io inspect lhe list and to lake extracts therefrom free of charge.

(3) The Municipal Commissioner shall give puhlic notice of lhe place, lime and dale, nol less lhan one month after lhe preparation of lhe assessment list as aforesaid, when he will proceed io consider the annual valuations oTlands and buildings entered in the assessment lisl, and in all eases in which any land or building is for the firsi time assessed, or the

A mend men i **t>r** iLssesfiiem?

(Part TV.—Taxation.—Chapter XH.—i'owers of Taxation an/1 proper!) taxes.—I). Assessment—Section 185. E. Objections.— Section W6.)

annual value of any land or building is increased, he shall also give written notice thereof lo ihe owner or ly any lessee, sub-lessee or occupier of such land or building and shall also specify in the nolice the placc, time and dale, not less than one month thereafter, when he will proceed to consider such valuation.

(4) When a revision in lhe annual valuation of any land or building has been made under sub-section (2) of scction ISO, the Municipal Commissioner shall cause lhe respeciive valuation to be entered in the assessment list and shall give a written nolice thereof to lhe owner or lo any lessee, sub-lessee or occupier, of such land or building, and shall also specify in the noiicc the placc. lime and date, not less lhan one month thereafter, when lie will proceed lo consider such valuation.

'lixpltnuiiiwi.—**A wrilien nolice under this seciion shall be deemed io be duly served if il is sent by post under certificate of posiing to the owner or to any lessee, sub-lessee or occupier or any land or building and. in such ease, the dale of the cerlificalc of posting shall be deemed lo he the dale ol' service of the notice lo the owner or to lhe lessee, sublessee or occupier or such land or building.**

185. The Municipal Commissioner may for reasons lo be recorded in writing amend any annual valuation in lhe assessment list prepared under -[sub-section (1) or sub-scclion (4) of seciion 184] al any lime before ihe date specified for review under lhe provisions of sub-scclion (3) or sub- scclion (4) of scction 184 as lhe case may be:

Provided that in lhe case oT such amendment, a fresli notice stating lhe amended valuation shall

lix of **lyso**.j

he issued to the owner orlo any lessee, sublessee or occupier of lhc land or the building and such nolice shall also spccify llie place, lime and dale, nni less lhan one month thereafler. when lhe Municipal Commissioner will proceed to consider such valuation;

Provided further thai no public notice need be given in such case.

e. *Objections*

Appoiiilmum «r :in officer to hc:ir uhjuciinn*.

186. Subjcc! io lhe provisions of section 181 or scclion 182, any objection let the annual value of a land or building as entered in lhe assessmenl lisi shall be made by lhc owner or the person liable to pay llie ■'(properly tax], in writing, to lhc Municipal Commissioner before llie

Objections again si valuutiaii of nsse^mcnt

(Par! IV.—Taxation.—Chapter XII.—Pou erx of Taxation and property laxes.—E. Objections.—Sections 187. 138J

dale fixed in the notice under section 184 '[or section 185J and shall slate in whai respeel llic annual value is disputed.

187. (I) -[The Corporation shall, wiih the approval of the State Govern men l, appoint an officer on such terms and conditions as the Stale Government] may deiermine lo hear and determine the objections io the annual valuation of lands or buildings entered in the assessment list.

(2) The officer appointed under sub-scclion (1) .shall be paid Trom llic Municipal Fund such salary and allowances as lhe Slate Government may determine.

(3) The ol llcei" as aforesaid may make such queries and observations in relation to any entry in the assessment list and call for such records, reiurns and explanations as he ihinks fit.

(4) Every such query and observalion .shall be promptly taken into consideration by the officer of lhe Corporation to whom il may be addressed and shall be relumed by him wilh the necessary records, returns and explanations.

I fearing of objeciiuns

188. (I) Objections tiled under seclion !86 shall be eniered in a register maintained tor the purpose in such manner as may be prescribed.

(2) On the dale, lime and place specified under suh-seclion (3) or sub-section (4) of scclion IS4 and after giving the person filing ihe abjections an opportunity of being heard, eiiher in person or through an authorised ageni, the ollicer appointed under seclion 187 shall deiermine lhe objections.

(3J When an objection has been determined, the order in this behalf shall be recorded in the register maintained under sub-.sceiion (1) wilh lhe dale, and a copy of the order shall be supplied within [3][thirty days] thereof '"[lo the person filing ihe objection] in such form and manner as may be prescribed.

(4) The procedure for hearing and disposal or objections shall he such as may be prescrihed.

(5) The valuation fixed aller determination of objection under this section shall lake effect from the quarter in which such valualion would have laken effect and shall continue lo remain in force during the period such valuation would have remained in force, bad no objection been filed.

'The woiiJs ,niJ ngurL-\ within [he square brackets were inserted by s. 1 .S (it lhe Calcutta Municipal Carpin'iiion (Second Amendment) Aet, I'JIM (Wesl Ben. Acl Xlll or 1 K J).

-The wind*; within the s-quare brackets were ^ubsliluled Tor lhe words "The Slale Government shall appoint an officer on .u>ch terms and conditions as il" by s. 9 of the Cnlculu Municipal Corporation (Amendment) At I, 14S8 (West Bcn_ Act XXI of I9RE).

'The words wilhin Ihe square hrackelv were substituted for the words "(en days" by s. 10 of the Calculla Municipal Corporation < Amendment) Ael. l9i48(Wosl Ben. Act XXI of lySH).

· I ;- wunln wilhin the square brackets were suhstituteil for the words, "to lhe owner or the perMin liable lo pay lhe consolidated rate" by s. l6ofthe Calcutta Municipal Corporaiion iSeeund Amendment) Ael, 1984.(West Ben. Ael Xlll of JUS*]).

(Part IV.—Taxation.—Chapter XII.—Powers of Taxation and properly taxes.—E. Objections.—Scclion 189.)

COURT BOOK
EMPOWERING LEGAL CLARITY

189. (1) There shall be a Municipal Assessment Tribunal for hearing and disposal of an appeal againsi an order passed under seciion 188.

(2) The Tribunal shall consist nf a Chairman and such number, ol' Appc;-1

, . . bcloit ihur

olher members nol exceeding five as lhc Stale Government may determine: Municipal

Å_ j i i i 11 ' . Asse.sMiuini

[1][3]roviciea mat me Climrniiin may ccnMiluie one *or* more separate Tnbuml, benches cacli bench comprising iwo or more members, one of whom shall be a member of ihe Wesl Bengal Higher Judicial Service {hereinafter referred lo as ihe Judicial Member), and may transfer io any such bench any appeal lor disposal or may withdraw from any such bcnch any appeal before il is finally disposed oT:

'Provided further thai no such bench shall be constituted wiih any member of lhe West Bengal Higher Judicial Service olher lhan one who is or has been a member of thai Servicc for a period of nol less lhan three years.

:{2A) Where a separate bench is constituted under the firsl proviso io sub-section (2), Ike Judicial Member shall exercise and perform all lhc powers and 1'unclinns ol' the Chairman under this Act or ihe rules made thereunder, "

(3) The Chairman and lhc oiVicr members shall he appointed by lhe Stale Government on such terms and conditions as iL **may determine and shall be paid from lhc Municipal Fund.**

(4) The Chairman shall be a person who is or has been a memher of the Wesl Bengal Higher Judicial Servicc for a period of nol less lhan ihrce years and lhe other members shall have such qualifications and experience as the Stale Government may prescribe.

(5) Any owner or person liable lo payment of '[property lax] may. if dissatisfied wiih lhe determination of objection under scclion I US appeal to the Tribunal:

Provided that such appeal shall be presented lo lhe Tribunal within forty-live days from ihe dale of service of '[a copy of the order] under scclion 188 and shall he accompanied by a copy of lhe said order.

(6J No appeal under ihis seciion shall he enlcrlained unless the '[property lax] in respect of any land or building for the period ending on

f *Pan IV.—Taxation. —Chapter XII.—Powers of Taxation and property taxes.—E. Objections.—Section 190. F. Municipal Assessment Book.—Seclion 191.)*

llic dale of presentation of the appeal on the valuation determined under section 188 lias heen deposited '[in ihe office of Llic Corporation] and the appeal shall abate unless such -[property tax] is continued to he deposited till the appeal is finally disposed of.

(7) The provisions ol'Part II and Part 111 of the Limitation Act. 1963 l6ori'J6.l relating to appeals shall apply to every appeal preferred under iliis section.

(8) 'I'hc procedure for hearing and disposal of appeals 'las well as realisation of lees in connection with appeals] shall be such as may be prescribed.

(9) The decision of tlicTribunal with regard to valuation or assessment shall he final arid no suit or proceeding shall lie in any Civil Court in respect of any mailer which has been or may be referred to nr has been decided by the Tribunal.

(10) The valuation fixed after disposal oTtlie appeal under ihis seclion shall take effect from the quarter in which such valuation would have taken effect and shall continue lo remain in forcc during the period such valuation would have remained in force, had no appeal been filed.

'(II) Tile Tribunal shall Itave an establishment consisting of such officers and oilier employees appointed on such terms and conditions as may be prescribed. The expenses oi ilie establishment shall he paid OUL **of the Municipal Fund.**

valuation

190. Every valuation in lhe assessment list prepared under section 184 shall, subject lo the provisions of section 185 or the order under section I,S3 or section I 89 he final.

F. *Municipal Assessment Book* **191. fl) The annual valuation of lands and buildings as determined Asscssnicni under section 190 shall be entered in ihe Municipal Assessmenl Book.**

Hook. **(2) The Municipal Assessment Book shall bemainiainedinsuch form and in such manner as may be prescribed,**

(3) The Municipal Commissioner may at any time make such corrections in lhe Municipal Assessment liouk 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 lhe face of records.

(4) The Municipal Assessment Book duly authenticated in the manner' prescribed shall be kept in lhe office of lhe Corporaiion and shall be open

'The words iviiliin iIil' sqimru h nickels were inserted by v 17(2), of lhe Culeulia Municipal Corporaiion (.SccnniJ Amendment) Aci. 19SJ (West lien, Acl Xlll of l<)S-l)

Srr Tcol-nolc 2 on 633. i.'.'i.v

'TIil- wolds wi.'Ilin lhe square brackets Wtfrv instiled hy s. 17(H) nr ihu Cakulla Mllll.'.:]:.:' y˙ Corpor.iiurn (SiruaniJ Amciulincn!) Acl, (Wcsl Hun, **A**li X1IJ of lyS-1).

JSulvsection til) was msened by s. I7<-1), ***ibitl.***

(Pari IV.—Taxaaon.—Chapter XII.—Powers nf Taxation ant! property taxes.—F. Municipal Assessment Book.—Scclion 192)

for inspection Tree of charge during office hours and exiracis l here from shall be made available on payment of" such Tec as may be prescribed.

(5) The Municipal Assessment Book may be printed and puhlished tor every ward of the Corporalion and made available for sale to lhe public in such form and in such manner as may be prescribed:

Provided thai the publication shall nm be kept pending for any cases in respect of which any objection or appeal has been Hied under scction 188 or scction 189.

COURT BOOK
ERING LEGAL CLARITY

192. '(1) Notwithstanding anything contained in section 190 the Municipal Commissioner may, al any time, amend lhe Municipal Assessment Book— Amendment of Municipal Assessmenl Braik.

{i) hy inserting therein the name of any person whose name ought to he 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-[or any land or building] not liahlc for tiic payment of '[property lax]; or

(iv) by increasing or decreasing for adequate reasons the amouni of any annual value and of the '[property tax] thereupon: or

(v) by making or cancelling any entry exempting any land or building from liability lo "|properly tax]: or

(vi) by altering the assessment on the land or building which has been erroneously valued or assessed through fraud, mistake or nccidciu, in which ca.sc such alteration shall lake elTccl from the date such erroneous valuation or assessment look effect; or

(vii) by inserting or altering an entry in respeel of any building erected, rc-crccted, allcred or added to, after the preparalion of ihe assessment hook, in which case such insertion or alteration shall lake effeci from the dale such erection, re- ereciion, alteration or addition was made,

'(2)(i) A notice of not less than fifteen days shall be given io the owner or lo lessee, sub-lessee or occupier of the land or building of the place, lime and dale on which any amcndmenl of the Assessment Book is intended lo be made under this section.

(ii) Any person on whom a notice of amendment is served under this sub-section may llie ;in objection in writing to the Municipal Commissioner al least three days before the dale Incidence of [2]1 property cix] on lands LitlJ buildings.

'Seel ion 192 was renumbered :is sub-section < I) pi" llml scenon hy 5. IK of **Mil**: Calculla Municipal Curporalioit (Second Amendment Acl. 19K4 (We\i Ben. Ael XIII of 1984).

[1] **Tiil** words wiihin Ihe square brackcls were inserted by s 1K(J). *ibid.*

'Sec fitui-nolc 2 oil pu«e 6.13. tmir.

[J]Suh-scclioii (2) was inserted hy s. 18(b) of the Calcutta Municipal Corporation (Scrand Amcndnvjiii) Acl. I TO 4 (Wcsl Hen..Acl Xlll of iyS-1).

fixed in llic notice and ihe provisions of sections 186 lo 190 shall apply, *mutatis nr.nandis,* **lo such objection.**

G. Incidence and payment of'[property tax] on lauds and buildings.

Incidence of '(property lax) on hinds Liml huilding.

193. (I) llic '[properly lax] on lands and buildings shall be primarily leviable—

(a) iT lhe bnd or huilding is lei, upon lhe lessor;

(b) if lhe land or building is sublet, upon lhe superior lessor;

(c) if the land or building is unlcl, upon lhe person in whom ihe right to let such kind nr building vests.

(2) The '[properly lux] on nny bnd or building, which is the propeny of lhe Corporaiion and the possession of which has been delivered under any agreement or licensing arrangement, slrall be leviable upon the transferee or the licensee, as lhe case may be.

(3) The liability of the several owners of any [land or] building constituting a single anil of assessment, which is or purports lo be severally owned in parts or Hats or moms. Tor payment of'[property tax] or any instalment thereof payable during the period of such ownership shall be joini and several:

Provided lhal the Municipal Commissioner may apportion the amount of '[property laxj on such '[land or] building among lhe co-owners.

[4](4) Notwithstanding the vesling of any land in the Slate under the '[Kolkaia] *Thika* **Tenancy (Acquisition and Regulation) Acl, 1981, in lhe case of any land comprised in a** *thika* **lenaney, ihe '[property lax] assessed in respeel of such land and any hut or building made thereon shall tie primarily leviable upon lhe** *thika* **tenant.**

Wcsl Ben Aui XXXVII of **m i .**

Apimmon-mcnt of liability for '[properly Lax | on kind or builiiini; wire I) I he premises assessed are Id or sublet.

194. (I) If the annual valuation of any land or building excceds the amounl calculated on the basis of the rent of such land or building payable to the person upon whom lhe '[property lax] on such land or building is leviable under seclion 193, such person shall be cnlilled lo receive from his lenanl lhe difference helwecn lhe umoum of lhe '[properly ui\] on such land or huilding and lhe amounl which would be leviahlc iT the 'Iproperly tax] on such land or buildi/ig were calculated on the ba.sis of lhe rent payable to him.

'.ViV I .:..:n.[v]2 on |...i'v 6]/ *wire.*

"TIIL- Moid s wiiliui llic square lirnckels were inserted by s. l'J(a) ol"lhe Calculla **MUM** id pal Com or.-;! i on (Second Amendment) Acl, l'JK-1 (Wesl Ben. Act Xlll nf 19SM).

Tlic minis wiiliin die square brackets were inserted by s. l'J(b). *ibid,*

'Sijh-sjciKiu (-1) was inserted hv s. I-) or I lie Calculla Municipal Corporation t Aiiieiuliiiciili.-VI mi (Wesl Ben. Acl XXXII oi l'JS}).

fool-mile ? cm pa^e 373. *tittle.*

COURT BOOK
EMPOWERING LEGAL CLARITY

(Port I I'.'—■ Taxation—Chapter XII.—Powers of Taxalion and property taxes,—G. Incidence' ant! payment of property tax on lands and buildings.—Sections 195. 196.)

(2) If lhc annual valuation of any land or building which is sublet exceeds lhc; amouni calculated on lhe basis of rem of such land or building payable to lhe tenant by his subtenant or to the subtenant by (lie person holding under him, llie tenant or the subtenant shall be entitled to receive from his subtenant or the person holding under him. as ihe case may he, lhc difference between any sum recovered under this Acl frnni such tenant or subtenant and the amount of [1] [properly lax] on such land or building which would he leviable if ihe annual valuation or such land or buiJding were calculated on the basis of rent payable mihe tenant by his subtenant or ilic subtenant by ihe person holding under him,

COURT BOOK
ENSURING LEGAL CLARITY

Recover)[1] of 'Iprupcny lax] on lands and buildings Trom occupier.

195. (I) On lhe failure to recover any sum due on account of '[properly tax| on any land or building from ihe person primarily liable therefor under scclion 193. **-[the Municipal Commissioner shall, notwithstanding anything contained in lhe West Bengal Premises Ten ancy Act,** 1956 **or in any other law for the time hcing in force, recover) front every occupier or such land or building, by attachment of ihe rem payable by such occupier, a portion of lhe total sum due which bears, as nearly as may be. ihe same proportion to lhai sum as lhe lejil annually payable hy such occupier hears to tlieioial amount of rem annually payable in respect oT the whole of such land or building.**

'[Wesl Ben. Acl XII of I9.S6.]

(2) An occupier, from whom any sum is recovered under sub-seclion (1). shall he entitled to be reimbursed hy the person primarily liable Tor the payment of such sum. and may. in addition to having recourse lo olher remedies thai may be open lo him, deduct the amouni so recovered from the amouni oT any rent becoming due from time to lime from him to such person.

Payment oT '[properly lax] on lands and buildings.

"'196. (1) Save as otherwise provided in ihis Act. lhe '[property-tax] on any land or building under ihis Chapter shall he paid by the person liable for the payment thereof.in quarterly instalments and, for the purposes or ihis section each quarter shall be deemed io commence on the first day or April, lirsi day nf July. first day of Octobcr, and first day of January, of a year.

(2) The Municipal Commissioner shall cause to be preserved to llic ■person liable lor payment of llie '[properly lax] a comprehensive bill in respect ol such rale lobe paid in quarterly instalments, showing separately

'Sue four-note 7 tin patjc 63.1 mtti: .

:TIIL- words and figure* within the square brackets were substituted Tor the words "the Municipal Commissioner shall recovcr" hy s 20 of the Calculla Municipal Cnrpominn (.Second Amendment) Acl, l[1].ttH (Wcsl Ben. Act Xlll of 1951)

'Section 19ft was substituted Inr llie original section hy s 10 of lhc Calcium Municipal Corporation (Amendment) Acl, I 997 (West Ben. Act XXVI of 1997).

COURT BOOK
EMPOWERING LEGAL CLARITY

? **llic amounl of (lie '[properly taxi due against each quarter and ilie dale on which the '[properly tax J for each quarter is due. Such bill shall be sent hy post under certificate of posting orhy couricr agency lo llic person liable for payment ol the '[property lax] not later than the 31st day of May.**

COURT BOOK
EMPOWERING LEGAL CLARITY

Explanation.—**"Courier agcucy" shall mean a commercial concern engaged in door lo door transpmlion ol lime-sensitive documents, utilising the services of a person, either directly or indirectly, to carry such document.[1];.**

Pnymcniof ■axi'inclut: t>f (ihjccion or appeal.

197, (|) When an objection lo a valuation has been made under section IH6, the '[property lax] shall, pending lhe determination oT the objection under section IS8. he payable on the previous; valuation in the usua[manner.

(2) If, after ihe objection has been determined under section I 88, lhe prcvinus valuation is altercd.or after the appeal has been disposed of under seclion 189, the valuation decided under section 188 is altered, ihen—

(a) any sum paid or deposited under section I 89 in cxeess shall be refunded or allowed lo be sei-off against any present or future demand of the Corporation under lhis Acl, nnd

(b) any deficiency shall be deemed to be an arrcarof lhe '[property tax | and shall he payable and reovcrable as such;

Provided lhal—

(i) if any premises have, for the purposes of valuation under section 179 ur seclion 180, been for the first time valued or subdivided or amalgamated wilh any oilier premises and an objection to the valuation thereof has been made under section ■ 1X6, then lhe '[properly lax] shall, pending the final dcicnuiuniion of lhe objection, be paid on such valuation; and '

(ii) if. when such objection has been finally determined, such valuation is reduced, and if the '[property lax] has already hcen paid thereon, then the sum paid in excess shall be refunded or allowed to be sui-off against any present or future demand of the Corporation under this Acl.

198. [*Consolidated rate on lands and bit i(dings in a* **bustee.—***Om ined by x. 15 of the Calculi a Municipal Corporation (Amendment) Act. 198.1 (West Den. Acl XXXII of 1983).]*

[x]*Scc* fooMiotc *2* on puyc 6?!?. *nutc.*

COURT BOOK
EMPOWERING LEGAL CLARITY

(Parr IV—Taxation.—Chapter XIII.—Pmfess ions, trades and callings—Sections 199-201.)

chapter xiii **[Professions, trades and callings.]**

Certificate of enlistment fi>r profession, 11,.i\' and calling.

[J199. "(IJ Every person engaged intending lo he engaged in any profession, trade or calling in[J[Kolkata] as mentioned in Schedule IV, either by himself or by an a^enl or represenialive, shall obtain, a ccnificale of enlistment or get the same renewed annually, as the case may be, from the Municipal Commis.sioner upon presentation of an application in such furm as may he specified by the Municipal Commissioner logeiher with such npplication fee, nol exceeding rupees ten, as may be determined by the Corporation. Such application form shall be available from the Corporalion on payment of such fee as may be determined hy the Municipal Commissioner.

(2) The Municipal Commissioner shall, after making such enquiry ns may he necessary and wiihin thirty days of [he reeipt of lhe application, grant liiin such certificate if lhc application is in order, or shall rcjccL the application if it is not in order,

'Provided llm no profession, iradc or calling, referred to in sub-section 0), shall be commenced or carried on without any licence or permission. ;is required under this Act, being taken out and produced before the Municipal Commissioner, failing which [he certificate of enlistment shall not be renewed,

200. [*En 1/xm* i *en t fo r pay n i et ((s of rax an profession, trade ot catting.— O mitred hy s. 4(c) of lhc Calcutta Municipal corporation (Amendment) Acl. 1992 (West Ben. Act IX of 1992).]*

201. [*Fine for nol paving lax under scclion 199.—Omilied by x. 4(d), ibid.] ' '*

'The heading within (he square hmcVcls were substituted for ihe heading **T.i,% on professions iradcs and callings", by s. 4(a) «r lhc Calculla Municipal Corporation (AniL-ndinenO Act, 1902 (Wysi Ben. Acl IX of I 992).

y'Seclii>n I [L]J'J \v:ls suhsiiinlcil Tor (he original seciion hy s. 4(h). *ihitl.*

'Suh-sccuoa (1) was substituted by s. M(u) of the Calcutta Municipal Corporaiion (Amcniimcni) Acl. 1996 (West Ben. Acl VI or 1996).

[J]Scc Tool-no I e 2 on page 573. *unte.*

'Proviso n'tis added tiv s, M(h), of l1u" Calculla Municipal Corporalion (Amendment) Act. 1996 (Wcsl Hen Acl VI of I99f>)

COURT BOOK
POWERING LEGAL CLARITY

CHAPTER XIV

Tax on advertisements oilier than advertisements in newspapers.

Prohibition of advcriisir-mcriLs without wnUuii permission of i IiL' Municipal Commit uhct

202. (I) No person shall crcci. 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 '[Kolkaia] without lhe written permission of ilie Municipal Commissioner.

(2) The Municipal Commissioner shall nol grant such permission ifð

(a) a licence for the use of lhe particular site for purpose of advertisement has not been taken out. or

(b) the advertise men l contravenes any provisions nT ibis Act or llic rules or the regulations made thereunder, or

(e) lhe tax, if any, due in respect of the advertisement [has nol been paid. or|

'(d) (he Mayor-in-Council, on ihe basis of lhe recommendation of I he Heritage Conservation CommiLtee, is of lhe view thai such advertisement will obstruct lhe view or, or destabilise (he structure of, or will nol be in harmony wilh. any heritage building,

(3) No person shall broadens! any advertisement, except on radio or television, without the written permission of the Municipal Com m issi oner.

Licence for use of siLu far purpose of ad verticil} L[L]ni.

203. (I) Hxcepi under and in conformity wilh the lemis and conditions of a licence, no person being lhe owner, lessee, sub-lessee, occupier or an advertising agen(shall use or allow io be used any site in any land, building, wall nr erecL or allow to be erccted on any site any hoarding, frame, posi. kiosk, structure, neon-sign or sky-sign for lhe purpose of display of any advertisement.

(2) For the purpose ol" advertisement, every person—

(a) using any site before the commencement of lhis Acl, wilhin ninety days from the dale of such commencement, or

(b) intending to use any site, or

(e) whose licence for use of any site is about to expire, shall apply for a licence or renewal of a liccnce, as lhe ease may be. to the Municipal Commissioner in such form as may he specified liy the Corporation.

LIX of

(Pad IV.—Taxtuion.—Chapter XIV.—Tax on advertisements other thwi advertisements in news papers.—Section 204,)

(3) The Municipal Commissioner shall, after making such inspection as may be nccessary and wiihin thirty days of lhc receipi of the application, grant, refuse, renew or cancel a licence, as the ease may be. on payment of such fees as may he determined by the Corporation by regulations '[or as the budget estimate shall slate under sub-section f3) of seciion 131].

(4) "I'lie Municipal Commissioner may, if in his opinion the proposed site for any advertisement if unsuitable from the considerations of public safely. Traffic **hazards :[, aesthetic design, or obstruction of lhe view of. or harmony with, any heritage building.] refuse a liccnce or refuse lo renew any existing licence.**

(5) Every licence shall be lor a period of one year except in case of silcs used for temporary fairs, exhibitions, sports evenis or cultural or social programmes.

** * *t-* *

(7) The Municipal Commissioner .shall cause to be maintained a register wherein the licences issued under litis scclion shall he separately recorded in respect of advertisement sites—

(a) on telephone, telegraph, train, elcclric or other posts or poles erecied on or along public or private streets or public places, (h) in lands or buildings.

(e) in cinema halls, theatres or olher places of public resort.

204. **(J** J **Every person, who erects, exhibits fixes or retains upon or** la* on **over any laud, building, wall, hoarding, frame, post, kiosk or structure any advertisement or, displays any advertisement lo public view in any manner whatsoever, visible from a public street or public placc (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 al such rate as the Corporalion may determine by regulations [J]Jor as lhe budget estimate shall state under sub-section (3) of seciion 131]:**

5sfc * 5k * *

"[Provided thai] a surcharge nol exceeding fifiy per cent, of lhc applicable rate may be imposed on any advertisement on display in temporary fairs, exhibitions, sports evcnls or cultural or social programmes.

' lite words. figures and brackcls wiihin lhc square brack el < wlte mscited by s, 12(I) uf lhe Calcutta Municipal Corporalion (Amendment) Act. 1997 (Weil Ben. Acl XXVI or 1997)

-The words wiihin llic square brackcls were suh\iilu[ed (fir lhe words **"or** acsihclic tksi^n," hy s. 12(2). *ihiit.*

'Sub-scclion (6) was omitied by s. 17 of the Calculla Municipal Corporation (Amendcincnll Acl. 198!* (West Ben. Acl XXXIt of 19K.1).

'The words, figures and brackcls wiihin lhc squan.' hratkcls were inserted by s. I _1(I Ha) uf lhc Calculla Municipal Corporation (Amendment) Acl. L v'[12]//; Wcsl Ben. Acl XXV|«f 1997)

Tir^l proviso was omilied b> s, 13(1)(b), *ihitl.*

"Tlic w ords wiihin Ihe square bracket?; were substituted for Ifi c words "Provided further Tlini" by s l.l(I l[c>. *il'ii/.*

12 11'.' words iviihin the **M**|u:i:c hrzckns were substituted **JOT** (he wtircls "has nol V**'LIJII** paid." by .s.l 1 (I) nt I he Calculla Municipal Corporal ion (Amendment) Acl. 10 'J 7 (wl'M Beit Act XXVI of I'jyj).

'Claust (dt was inserted l>) "> ! 1(2). *ibid.*

(2) Notwithstanding Lhe provisions of sub-section (I), no lax shall he levied under lhis scclion on any advertisement which—

(a) relates io a public meeting or ID an cleclion to Parliament or the Stale Legislature or the Corporation or to candidature in respect of such election; or

(b) is exhibited wilhin the window ol" any building if ihe advertisement relates to the trade, profession or business carricd on in lhal building; or

(c) relates io the trade, profession or business carried on wilhin the land or building upon or over which such advertisement is exhibited or to any sale or letting of such land or huilding or any effects therein or io any sale, entertainment or meeiing io be held on or upon or in the same; or

(d) relates io the name of. die land or huildiny upon or over which the advertisement is exhibited or lo the name of the owner or occupier of such land or building; or

(e) relates in the business of a railway administration and is exhibited within any railway station or upon any wall or oilier properly oT a railway administration; or

(0 relates to any activity ofthe Government nr die Corporaiion.

(3) The tax on any advertisement leviable under this seclion shall be payable in advance in such number of instalments and in such manner ns lhe Corporation may by regulations determine [1]1or as the budget estimate shall Mate under sub-section (3) of seclion 131]:

Provided lhal lhe Corporation may under the terms and conditions of (lie licence under scction 203 require lhe licensee lo collccl and pay lo the Corporaiion, subjeel LO a deduction of five per ceni. lo he kept by him as collection charges, ihe amounl of lax in respect of such advertisements as are displayed on any site for which he is the licensee.

205. The permission granted under section 202 shall become void—

(a) if tlte advertisement contravenes any regit!a!ions made under this Aci; or

(b) if any material change is made in the advertisement or any part thereof without ihe previous permission of lhe Municipal Commissioner; or

(c) if lhe advertisement or any pan thereof Tails otherwise than through accident; or

(d) if due to ihe work hy Government, Corporation or by any statutory authority, the advertisement [2][has io be displaced;

or]

PL'I 1111 S^iioiL of Municipal Coniniissiiiikir lo become void in certain C2.\."s

'The words, fi pii res and time kc Is within i he tqunic bmckcls wen- intcncd hy s, 13(21 ol llic Calcutta Municipal Corpurjlitin (Aiiieni)menl)Acl. I !W7 (West Ren Acl XX V| of l[1]J'J7) [2]Tlic words witliin ilie squure brackets were Mihitiiwud Tor ihe words "has lo be displaced.'" bv s. 1411). ibitl.

'(e) il. mi lhc hasis of llic recommendation ol lhe Heritage Conservation CommiLlcc. lhc Mayor-ill-Council is of opinion iliat the advertisement obsLrucls the view of any heritage building or is nol in harmony with the aesthetic design or the historical significance of any heritage building, and lhe advertisement fins io be removed or displaced.

206. **The licence grained under scction 203 shall become void—**

(a) if lhe licencce contravenes any lerins and conditions of liccnce; or

(lu if any addition or alteration is made to. or in die budding, wall, hoarding, frame, posl. kiosk or structure upon or over which the adcrliscmcni is ercclcd, exhibited, fixed or retained; or

(c) ii lhe building, wall, hoarding, frame, posl, kiosk or structure over which the advertisement is crcclcd, exhibited, fixed or retained is demolished or destroyed.

LitiiMK'c Tor UMJ i>f Mlc lor purpose of advcrtisc-mcni io bcwiiiK void iri toriaiii **CLLSCV**

207. **Where any advertisement has been ercclcd. exhibited. fixed or retained upon or over any land, building, wall, hoarding, frame, post, kiosk or structure or displayed lo public view from a public sireel or public placc in contravention of the provisions of ibis Act or any regulations made thereunder, it shall be presumed, unless lhc contrary is proved, that liic contravention has been committed by the person or persons on whose hehalf lhe advertisement purports to be or lhe agents of such person or persons.**

PfCiUll1[lllLll l in cum.* n| contmvcuLion.

208. **If any advertisement is crccted. exhibited, fixed or retained in contravention of the provisions of this Act or any regulations made thereunder, t'ne Municipal Commissioner may require the owner or lhc occupier of lhe land, building, wall, hoarding, frame, posl, kiosk or structure upon or over which the same is erected, exhibited, fixed or retained u> lake down or remove such advertisement or may enter any kind, building or property and cause the advertisement to be dismantled, taken down, removed, spoiled, defaced or screened.**

Power of Mumapul Commits toner in t>f conimvc-niioji.

Explanation **/.—The word "structure" in this Chapter includes any movable board ou wheels used as an advertisement or advertisement medium.**

Explanation it.**—The word "advertisement" in relation to a lax on advertisement under ibis Act shall mean any word, letter, model, sign, sky-sign, placard, nolice. device or representation, whether illuminated or not in the naiure of and employed wholly or in part for lhe purposes of advertisement, announcement or direction.**

(Part IV—Taxalion.—CImpter XIV—Tax on advertisements other than advertisements in newspapers.—Sections 208A. 209. —Chapier XIVA.—Tax on carts' and carriages,—Sections 209A, ■ 2Q9B.) '

Kcmoval of **[J]208A. Notwithstanding any oilier action thai may he laken against hoarding. ilie owner or Llic occupier of any land or building, upon or over which [ulL.'] lhe re is any hoarding, frame, post, kiosk or structure for erecting anv advertisement in contravention or lhe provisions of tliis Acl or any regulations made thereunder, or the person who owns such hoarding, frame, post, kiosk or structure, the Municipal Commissioner may. lor 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 he fixed by the Mayor-in-Council from lime to lime.**

Fine tor noi **209. If any person erects, exhibits, fixes or retains any advertisement** uiui'"/ **[laV] referred to in this Chapter wiihout paying the tax due under section 204. scctiun 20-1 be shall he punished with fine which—**

(i) may cxLcnd Lo an am nun L equal io three times the amount payable as such tax. and

(ii) shall noi ordinarily be less llian an amounl equal to one- and-a-half limes such lax.

CHAPTER X1VA . Tax on carts and carriages

lax Oil LMflV

-21>1>A. (I) A tax aulte rate mentioned in Schedule IX shall be payable lor every cart kept or used wilhin '[Kolkaia] (other than a carl owned by die State Government or the CorporaLion or a Municipality) ai lhe Municipal officc or such olhcr placc wilhin or outside [J][Kolkala] as may be specified by the Corporation in this behalf.

(2) On payment oT 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 {logeiher wilh a certified copy) in favour or lhe owner of lhe carl.

Registration and numbering or cans.

[:]209B. (1) Every cart kepi or used within ^Kolkaia] rcgisiered under scclion 209A shall he borne in a bonk maintained for lhe purpose showing lhe name and residence of ihe owner of lhe carl and lhe place where lhe can is ordinarily kepi and such registration shall be renewed half-yearly. Every can so registered shall have a number-plale showing lhe rcgisiralion number affixed lo it in such manner as lhe Corporation may direct.

(Pan IV.—Taxation.—Chapter XIVA.—Tax on cans and carriages.—Sections 209C, 209D.)

(2) An amount of rupees (en shall be payable half-yearly lo lhe Municipal office or any oilier placc of rcgislralion in respcci of each such uumber-plaic.

(3) The Corporalion may spccify lhc dale or dales for ihe purpose of registration of carls for each half-year.

(4) No person .shall keep or he in possession of any earl which has nol been

duly registered.

(5) No person who owns or drives a can shall fail io affix Uie number-plate oflhe carl as required under suh-scelion (I).

(6) The Corporalion shall, wiih the approval of the State Government, determine lhe maximum number of carts which may be registered under this Chapter. The Municipal Commissioner may refuse io register any carl alierihe maximum number of carts determined under ihis sub-section has hecn registered.

'209C, When llic ownership of a carl registered under this Chapter is transferred during llic validity of registration, it shall be regislered afresh in the name oT the iransTerec and an additional-fee of rupees twenty shall be payable for such registration.

Fresh rcgis-irnion on transfer ol ownership.

'209D. (I) The Municipal Commissioner or any police-officcr within the meaning of llie [Kolkata] and Suburban Police Act, 1866 or the [Kolkata] Police Act, I86fi shall have power lo seize any carl kepi or used wiihin Kolkata] if the same has nol been duly regislered under this Chapter or registered under provision applicable to any other local body under any oilier law in force and io deiain the same for such period as may be determined by the Municipal Commissioner.

EITcci ol' nim-re^isira-

Ben Al-I II of I Kfifv BLMV Act IV of 1

(7) Ef wiihin a period of fifteen days from llie dale of seizure of any can under sub-scclion (/) the authorised possession of the carl is not established lo llie satisfaction of lhc Municipal Commissioner by any person on production of lhc certificate of ils registration, lhc cart shall be confiscated, dismantled and sold in public auction by lhe Municipal Commissioner and no claim for authorised possession thereof shall be entertained by llie Municipal Commissioner afier ihe expiry of such period.

(3) The proceeds of sale, afier defraying such expenses as may he considered neccssaiy hy the Municipal Commissioner, shall be ercdilcd io lhe Municipal fund.

COURT BOOK
EMPOWERING LEGAL CLARITY

'TIP1 utkci.

[J]**209E. (I) Any person driving or polling or pushing n cart registered under lhis Chapter shall keep with him a tickcl (bearing a passport siw photograph of** Lhe **driver or** Llic **puller) issued by lhe Municipal Commissioner which shall he valid for Lhe half-yearly period oT registration and shall contain** such **particulars as may he specified by** lhe **CorporaLion by regulation.**

(2) The ticket as aforesaid shall be obtained, from lhe corporaiion on payment of a fee of rupees five for each half-year on submission of an application along with LWO **passport size photographs of the driver or lhe puller.**

The Kolkata Municipal Corporation Act, 1980, **[West Ben. Act**

(3) The owner of the can shall deliver in [he driver or the puller of [he carl certified copy of lhe Cenificaic of registration issued b_v lhe Municipal Commissioner under sub-scclion (2) of scclion 209A wilh direction to can-y ihe same while using or pulling or pushing or driving the carl and io produce lhe same to any represeniative of die Municipal Commissioner or any police-officer on demand.

(4) The Corporation shall, with lhe approval of lhe Stale Government, determine hy regulation lhe number of tickets to be issued lo pullers or drivers of curls in each half-year.

(M The Municipal Commissioner shall maintain a register of persons authorised lo drive or pull or push carls 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 can, keep wiili him a lickei issued under sub-section (/) if lhe numher thereof has hceomc indistinct or obliterated nor shall lie use or keep with him a lickei issued to any other person.

(7) The Municipal Commissioner shall, upon an application made by a person whose ticket has become indistinct or oblileraled or has been lost, issue a new ticket lo him on payment of a fee of rupees five.

Ta\ **on tamagts every**

[13]**209F. A lax at lhe rale mentioned in Schedule IX shall be payable for carriage kepi or used wilhin -[Kolkaia] (other ihan a carriage owned by the State Govern men I for use of the Governor or his siaff or household or for the purpose of** Llic **police or ihe military or kepi by a bona tide dealer only f or the purposes of sale) in advance in respect of each half-year.**

'See fooi-noic *2* on page 6S-J. *aiwe.*
St'r foot-rnw *"** on iv>fv 571 *nt/p*

CHAPTER XV

Oilier Taxes

210. '['he Corporalion may. with lhc sanclion or llic Slale Government, Toll mi establish a toll bar on Liny public sircel in '[Kolkaia] and levy a lull al '"ac"'' such toll bar on vehicles at such rates as may bo determined by llie Stale Government liom lime io lime.

LIX of 1980.] **'SlllA. (I) The Corporalion shall levy a surcharge on lhc transfer or immovable property siluaicd wiihin 'f Kolkaia], in lhe form of additional suunp duly,**

(2) The rale of lhc surcharge, and lhc manner of—

(a) collection of surcharge,

(b) payment of llie surcharge lo the Corporation, and

tc) deduction of lhe expenses, if any. incurred by lhe State Government in course of collodion of the surcharge, shall be such as may be prescribed.

COURT BOOK

Levy of Mirclmigc on Iruns fer of lands.

"21013. (I) The Corporalion may levy a special conservancy charge on lhe commercial and industrial establishments for providing municipal services in connection wiih removal of solid wasles.

(2) 'llie special conservancy charge for llie purpose of sub-sec' ton (I) shall be such as may be determined by lhe Corporalion from lime lo lime.

(3) The Corporalion may make regulations specifying llie occasions on which such special conservancy charge may be imposed as well as lhe rale of special conscrviiney charge, lhc mode of collcction and oilier matters incidental ihcreto.

Ben Aui **iv 211. Subject to the provisions of lhc Howrah Bridge Act. 1926, lhc or I)1(j. Corporalion may collect lhe tax levied under thai Act and pay the receipts ol" lhc same to ihe Commissioners appointed under thai Acl.**

\\w BIN) **212. The Corporation may, if so authorised under the Wcsl Bengul Wi'i^ ^'ir Services Act, 1950, realise any licence fees imposed under lhai Acl in accordance willi lhe provisions 1 hereof.**

Levy of special conservancy charge.

213. The Corporalion may, if so auiliroized hy any olher law for lhe lime being in force, realise any tax, development charge, cess or fee imposed under thai law -|or uny dues payable under lhai lawj in accordance willi the provisions thereof.

'."Tec **rooi**-nole 2 Ê i page *yi"S. u:\U-*.

[:] Set I ions 2I0A niid 21 OB wem inserted >jy n I (j of llic Calculla Municipal Corpur.il ion (Amendment) Aei. 1997 (WW lien. Act XXVI or 1997)

'The words wiiliin ihe square foraekels were inserted by s\ 13 of the Culculta Municipal Ciirporotinii i Ani.L'ndmenrI An l'»SM iW'ni Rfn A,-> vvi nf msti

Culluclion al H OUT.lll Bridge Tax.

isniioji of fee i:-(l:r West Hon Aei XVII1 of

Uealisulion ol'iax. fees, cess. ere., under any other law.

CHAPTER XVI Payment and recovery of tuxes A. *Recovery of taxes by the Corporation*

214. **Save as otherwise provided in this Acl, any lax levied under this Acl may Lie recovered in accordance wilh lhe following procedure and in such miinner as may he prescribed—**

(a) by presenting a bill, or

(b) by serving a notice of demand, or

(c) by distraint and sale ol a defaulter's movable properly, or

(d) by (lie attachmenl and sale of a defaulter's immovable properly, or

(e) in llic ease of '[property taxi on lands and buildings, by ilie attachment of' rent due in rcspcct of lhe land or the building, or

Manner of recovery <>i laxes under llus Act

(0 by a certificate under the Bengal Public Demands Recovery Act. 1913. Bun. Act 111 of 1913,

Ti hu: J»»d manner of pjvmi-ni ol

215. (I) Save as otherwise provided in (his Acl any lax levied under lliis Acl shall be payable on such dales, in such number of instalments and in such manner as may be prescribed.

(2) If any amounl due is paid on or before lhe dale determined under sub-section (I), a rebate of five *percent,* **of such amounl shall be allowed.**

Present **:ii** ion **216. (I) -[Save as otherwise provided in this Acl, when any lax lias hccomc duc.l lhe Municipal Commissioner shall causc lo be presented lo lhe person liable for the payment thereof a bill for lhe amounl due:**

Provided lhaL no such bill shall be necessary in lhe cse of—

3T Jfr * * * *

(h) a Lax **on advertisements;** ,

(c) a **toll.**

,SV(finu-nnir *2* on p;i£e 633. *n/ire.*

The words u nhiii die square brackets were substituted fur (he words "Whin any has become due." by v 170) of Ilie Caleulla Municipal Corporation (Amendment) Acl. 1997 (WcM Bet) Act XXVI or 1<J97), -

'Clause ti) ivss omitted bv s. 5 of the Calculla Municipal Corporation (Amendment) Aci IW? i Wesl Her Act IX (if 19121.

COURT BOOK
EMPOWERING LEGAL CLARITY

*'Explanation I.*ð A bill **shall be deemed** [o **be** presented **under ihis section il' it is scnl hy posl under certificate of posting** :**[or hy courier agency] to die person liable Tor payment of the amouni included in [he hill, and in such case, the date borne on such certificate or posting -'[or lhc date on which il is delivered by couricr agency] shall be deemed to be lhc date ol" presentation of the bill m such person.**

'Explanation 11.—**"Couricr agency" shall have llie same meaning as in the** *Explanation* **lo suh-scclion (2) of** scl-i**ion 196.**

(2) Every such bill shall specify the particulars of the lax and the period for which charge is made.

217. (1) Save as otherwise provided in this Acl. if die amount of the 'INnticuof tax for which a hill has been presented under seciion 2(6. is noL paid noiicTfcc within (liirty days from the presentation [hereof ''(or if the amount of interest nnd **quarterly insialmenl o I[17](properly tax) shown in [he comprehensive bill pcialiy.J presented under sub-section (2) of section 196 is not paid after il has become due) or if the tax on professions, irades and callings or the tax un advertisements is not paid after il has becomc due, lhc Municipal Commissioner may cnuse lo be served upon the person liable for the payment of the same a notice of demand in such form as may he specified by the Corporalion by regulations.**

(2) for every notice of demand which the Municipal Commissioner causes io he served on any person under ihis seciion, a fee of such amouni, nol exceeding twenty-five rupees, as the Corporation may determine by regulations shall be payable by lhc said person and shall be included in the cost of recovery.

***(3) On the amount of the bill remaining unpaid afier ibrity days of presentation of the bill under scclion 216 ˅]or after expiry of ihe date of payment as shown in the comprehensive bill presented under subsection (2) of section 196], simple iuteresi at such rale as may be cieicrniined by the Stale Government from lime [o lime shall he payable for the period commencing on the first day of the quarter following that in which the bili is presented and ending willi the monih preceding the month in which payment is made.**

'ExpUiiiiitioit renumbered as *Kifilimiirit/n I* by i. 17(2) oT: 1 k˙ Calculla Municipal CorjXULMioii (Am end menu Ac*. 1997 (Wcsl fkn. Acl XXVI of 1997)

-The minis within [he square brackcls were inserted by s. 17[2)(a) *ibid.*

'Tim word.[1], wiihin lliu square brackets wen; inserted by s l?(2)(b). *ihid.*

'Hypitimiiuin It was inserted by s. 17(3). *ibid.*

'The marginal noie subsliluled Tor lhe original marginal nole "Nolice of demand and nolice tee" hy s. 22(I) of the Calculla Municipal Corporalion (Second Amendment) Acl. ISM (Wi'u Ben, Acl Xlll of I9S-1).

'The words, nyurcs ami brackcls within the .square brackcls w en: intcnetl by s. I H(I) of (he Calculla Municipal Corporal inn (Amen time nl) Acl, 1997 (Wesl Ben Act XXV t nr 11197),

'Sec fon I-nole 2 on page 6.1.1. atilr

"Sub sections (.1). (J) and (5) were insencd by s. 22(2) of (he Calculla Municipal Corporation (Second Amendment) Acl. 193J (Wc« Ben. Acl Xltl of 19SJ),

The words, figures and brackets wiihin the \t]uarc brackcls were inserted hy s. 1R(2) of dil.-Calctilta Munii-ijial Coqioraiion (Araendnienl) Ac!. I'W (Wesl Ben Acl XXV] of 1997).

COURT BOOK
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,, *Explanation,*ð III calculating Llic interest payable **under** ibis sub section. a fraciiim ol" a rupee in (he amounr of the bill on which Lhe inlcre.si is lo be calculated shall be rounded off Lo lhe nearest rupee, filly paise being Lreitlcd as rupee one,

'(4) When ilie person liable for payment of any lax Tails lo pay die lax within die quarter Tor which lhe bill has been presented under section 216 [1][or. in the ease of pay men l of [14]{propcny-iax). Tails to pay the amount ol" (junrterly instalment of .such '(properly-lax) as is shown in die comprehensive bill presented under sub-seciion (2) ol section 1%|. such sum. not exceeding fiTiccn *percent.* **oT lhe amounl oT lhe lax as may be determined hy the Corpoiaiion by regulation shall he recovered from him by way oT penalty, in addition lo ihe amount oT the tax, lhe noiicc Tee payable under sub-scciinn (2) and simple interest in accordance wilh suh-seclion (3).**

'(5) The amount due as penally or interest under this section shall be recoverable as an arTear of lax under lhis Acl.

21s. \ *Penally in case nf default of payment of taxes.—O mi I reel by s, 23 of the Calcutta Municipal Corporation (Second Amendment) Act. Jy&'./ (West Ben, Acl XII/ of 1984).]*

Recovery of 219. (1) IT any person liable Tor payment of laic does nol. wilhin " ' diirLy days '1 of (he service oT notice oT demand under section 217.) pay

the amounl due, such sum logelher with all costs, interest due and penalty may be recovered undera warrant, issued in such form as may be specified hy die Corporation by regulations, '[by distress and stile ol" the movable properly.]

f»s|; >H & * #

(2) livery warrant issued under (his **section shall be signed by** the **Municipal Commissioner or any oiher oTficer authorised by** him **in** Lhis **behal f.**

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[14] *Scf* foot-note 2 on paye 633, *mile,*

[1]The wurds and figures wilhin ihu; squirt: brackets were sulislilutcd forthe words, hrjckcls ami figures "a Tier (he expiry- or tliiily days referred lo in sub sew ion (1) of section 218," by v 24(111 of lhe Calcutta Municipal Corporaiion (Second Amendment) Acl. 19H4(Wesi Ben. ALiXNIiiliyiM).

The words within the squaw brackets were substituted Tor llic words "hy distress and tale of ihe movable propeny or the attachmenl and sale of Ihe immovable propeny of lhe defaulter:" by s. 2J(bj, *ibid.*

"Proviso was omitted by s. *ibid.*

^i.i_-_i.-.A».w>>A".V.ᵗ^>V.'.'.ᵗS'ᵗ^-SSS^'-^S^'"'V>':o>^-:?:

220, (1) Il **shall he lawful lor any** officer **or oilier employee of ihe** Dsir.,-^ **;■ Corporation to whom a warrant issued under III is Chapter is addressed**

io disivain. wherever, it rimy be found in any place in '[Kolkaia], any movable properly belonging; to the person -[Jinblc]. subjcct Lo the following conditions, exceptions and exemptions, namely:ð

(a) the fol lowing properly shit 11 nol be diurained:—

(i) the necessary wearing apparel and bedding of the defaulter his wife and children and ihcir cooking and ' eating utensils;

^ii) loots ol iinisans:

(iiij books of account;

(h) lhe distress shall not be excessive, that is io say, the property distrained shall be ;is nearly as possible equal in value io the amount recoverable tinder warrant, and if any properly has been distrained whi:h. in the opininn of the Municipal Commissioner, .should n°ˡ have been distrained, il shall forthwith he released.

(21 The person charged with the execution of a warrant shall in the presence of iwo **witnesses forthwith make an inventory of lhe property which he seizes under such warrant, and shall, at the same lime, give a written notice in sueh form as may be specified by. lhe Corporation hy regulations to the person in possession thereof at tin; lime uf seizure thai the said property will be sold as therein mentioned.**

(3] If [here is reason to believe that any property seized under a warrant ⁱ**[under suh-seclion (2) of section** 320.] **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 lo any placc appointed by the Municipal Commissioner.**

[J](4) An Officer or oilier employee of ihe Corporation chargcd with the execution of a warrant, iThc has reasons io believe thai a building contains property liable to be distrained, may exercise the power of entry into ihe. building in accordance wiih lhe provisions of seciion 546.

221, (1) When the property seized is suhjeel to speedy and natural 'IDispural or decay or **when lhc expense** of **keeping il in custody is, when added lo the amouni lo be recovcrd, likely io exceed its value, the Municipal** $^{(0r''l^{1<r,n)}}$ **Commissioner shall give notice ic the person in whose possession the properly wits at lhe lime of seizure thai ii will be sold al once, and lie shall sell it accordingly hy public auction unless the amouni mentioned in ihe warrant is forthwith paid.**

'.Siv liiul-ittiie 2 un page 573. tunc

'Tlw ward willi in llic square brackcls wis subsliluled fur I tic words 'ihciein mimed ;is defaulter" hy j 25(n) of llic Calcutta Municipal Corporation (Scconrt Amen ibnc ill i Act, 1984 (Wesl Ben. Aet Xtlt of 198-1).

'flic v.'Drd,. brackcls urni fiddles wiihin lhc square brackcls itero subsliluled for <hc ;itid [ig\«es "y'cS' issued under section 211." hy s 2S(b), ihid.

[J]Sub-seclion (-1) was inserted by s, 25(c). *ihid.*

^Tttcinarjina) noli: was subsliluled Tor the original marginal nol; "Hispi^i! of dissrain.'d lifiipcrtv awl iiKJjlmi'CiV. wid s:ilc nf iiuniov.iblc iMwpor.y," by i. 2t(n>. *ihitl*

COURT BOOK
EMPOWERING LEGAL CLARITY

(fan TV.—Taxation.—Chapier A VI.—Pay mem and recovery of taxes.
—A. Recovtuy of laws hy the Corporation.—Sections 221 A. 22! B.)

... (2) If the wiimitH is not in (lie meantime suspended hy (he Municipal Commissioner or discharged, the properly seized shall, aficr the expiry of ihe period tinmcii in lhe notice served under sub-scction (2) of scclion 220. be sold hy public miction by order of llic Municipal Commissioner.

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ALiachniL-iii [2]221A. (I) After a defaulter hits been proceeded against under lhe iih;iiLiv!ihk- Invent img provisions of this Chapier unsucessfully or with partial success, property anY sll]11 (]le ()r balance of any sum due may he recovered under a warrant issued in such form us may be specified by regulation for aiiaulmient and sale of immovable property of ihe person liable.

12) a warrant is; issued under sub-scclion (1), llic attachment shut I be made by an order prohibiting the defaulter frum transferring or charging lhe properly in any way and all persons from taking any benefit from sucli transfer or charge ar.d declaring thai such properly will he sold unless the amounl of tax due with all cosls of recovery is paid inio the Corporation office within fifteen days from the dale of attachment.

(3) A copy of luc order under suh-seciion (2) shall he affixed on a conspicuous pari of the properly and upon a conspicuous part of lhe Corporation office.

(4) Any transfer of or charge on llic properly attached or any interest therein nif.de without written permission of llic Municipal Commissioner shall he void as against all claims oT lhe Corporaiion enforceable under lhe attachment,

(5) The surplus oT the salc-procceds, if any, shall, immediately after the sale of ilie properly, he credited lo ihe General Account of the Municipal l[7]und, an J nolicc of sueh credii shall he given at the same lime to the person whose property has been sold or iii.s legal representative, and if the same is claimed by written application to the Municipal Commissioner within one year from lhe date of the notice, a refund thereof shall be made lo such person or reprcseniaiive.

Sak'or -221B. (I) All sales ol property under lliis Chapter shall be regulated jilirainl-d or as ;ir 11S praciicablc. by such procedure of lhe Civil Couri as may be :w:iL'Jjc<J applicable in regard to sale of movable i>r immovable propeny after attachment.

(2) No officer or other employee of ihe Corporation shall Jirecily or indirectly purchase any properly al any such sale.

(3) Any surplus noi claimed wilhin one year referred to in subsection (5) oJ' section 221A .shall be the property of lhe Corporation.

'Suh-seeliniiS O)to(ID) were nmiilcd by s. 26 (b) ul llic C.ikulla MunidpaJ Corporation (Second Amendment) Act. 1<JBJ <\Vosl Ben. Acl Xlll of 1984),

y'Sixiions 221A aiul 221R were indued by s, 27, *ibid.*

(Part IV—Taxation.—Chapter XVI.—Payment etncl recovery of taxes. —/t. Re covets of taxes by i be Corporation.—Sections 222-225.)

(4) For every distraint under scclion 220 and attachment under section 221A, a fee of such amounl not exceeding two and a half *per rent,* **of the amounl of lax due as shall in such case be fixed by the Municipal Commissioner shall be charged and included in lhe costs of recovery.**

222. (.1) If the Municipal Commissioner has reason to believe that any person from whom any sum is due or is nbuui to become due on account of any tax is about to move from '[Kolkntn], he may dtrcci the immediate payment hy such person of the sum so due or nhoul to become due and lo cause a notice of demand for the same to be served on such person.

Kecovery from l person nboul it J k'.ivi.' '(Kolkaia].

(2) If, on the service of such notice, such person does not forthwith pay die sum so due or about lo become due, the amounl shall be leviable by distress or itilaehmcnl and sale in the manner hereinbefore provided, and lhe warrant of distress or allachmeni and sale may be issued and executed wiihout any delay.

223. After a defaulter has been proceeded against unsuccessfully under the foregoing provisions of this Chapier or willi partial success, any sum due or the halauce of any sum due may be recovered by lhe Municipal Commissioner by certificate under the Bengal Public Demands Recovery Acl. 1913. together with interest and cosi of recovery.

Recovery under Gen. AtlN of I [15]J 13.

Ben. Acl lit ill" 1513.

224, No disiress under lhis Acl shall Iw teemed to be unlawful nor shall any person making the same he deemed a trespasser on accouni of— fa) any defect or warn of form in the notice, summons, nolice of demand, warrant of distress, inventory or other proceeding rclaling thereto, or (M any irregularity commilied by such person:

Distraint nol unlawful for wail I of form.

Provided that any person aggrieved by such dcfccl or irregularity may. by order of a court of competent jurisdiction, recover lhe full satisfaction of any special damage sustained by him.

'Sub-setuons (IA) ;ind (It!) tverc marled by 10(2) ot Ihc Cak'UUa Municipal Corporaiion (Amendment) Act, J 997 (West lien. Acl XXV J of iy[j]/7),

-*Sec* fooi-noic 2 on page 633, *ante.*

\5cciinns 234A, 234B and 23-1C were inserted by s. 21} of Ihc Calculla Municipal To mora linn f 'Xmondmi'nil -*n* 1*>U7 *(W'm* Urn Arl XX VT nf

225. (I) For lhe purposes of recovery of any ^[property lax] from any occupicr under scclion 195, ihe Municipal Commissioner^, notwithstanding anything contained in the West Bengal Premises Tenancy Aci, I95(> or any other law for lhe time being in force,] shall cause io be served on such occupier a noticc requiring him to pay lo ihe Corporaiion any rent due or falling due from him in respect of lhe land or building io ilie extern necessary to satisfy the portion of the sum due for which he is liable under the said seclion.

'itv fniii nine *2* on page 573. *mile.*
Sri' foal-note *1* on p;ij;e 633. *ante,*
'Tlte wiirils :md figures within I lie sc|ur.rc braekeis were inserted by s itf lhe Calculla Municipal Corporation (Second Amendment) Acl, 19S4 (Wesl Ben Acl Xlll of l!)B4).

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Occupiers I my
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ILLVCS],

*(Pari IV.—Taxation.—Chapter XVI,—Payment and recovery of taxes.
—A, Recovery of taxes by ihe Corporalion.—Svuian 226.)*

(2) Sucli noiicc shall operate as an attachment or such rent unless lhc portion ol" tltc sum due shall have been paid and satisfied, mid the occupier shall he entitled to credit in account with lhc person io whom such renl due lor any sum paid hy hi ill to lhc Corporation in pursuance of such nolice:

Provided lhat if lhe person to whom such renl is due is nol lhe person primarily liable lor payment of the '[properly lax] he shall be entitled to recovcr from ihe person primarily liable for the pay men I of such lax any amount for which credit is claimed as aforesaid.

(3) If any occupier fails to pay to the Corporalion 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 oi such rent may he recovered from him by lhe Corporalion as an arrenr oi' lax under this Act.

Ken (ivory of 'flirupvny ı.ĸ| on hinds anil buildings or any oilier l;is or chargcs when tiwui'r ofhnd or premises is unknown or ownership is disputed

22fi. (1) If any money is due under ihis Act from the owner of any land or premises on account of '[properly lax] on lands and huildings or any other lax. expenses or charges recoverable under this Act and if the owner of such hind or premises is unknown or lhe ownership thereof is disputed, the Municipal Commissioner may publish twice, at an interval of not less lhan 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 ihnn one month from the dale of last publication of such notification, unless die amount recoverable is paid, may sell such land or premises by puhlie ituction io the highest bidder, who shall deposil, at lhe lime of s;ile. Iwenty-five *per cent,* **of the purchase money, and the balance thereof wihtin 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 lhe premises concerned.**

(2) A Tier deducting the amount due lo the Corporalion as aforesaid, llie surplus sale precccds. if any. shall be credited to the Municipal Fund and may be paid, on demand, tt> any person who establishes his right thereto to the satisfaction of lhe Municipal Commissioner or a couri of competent jurisdiction.

(3) Any person may pay the amount due :U any lime hcforc the completion of the sale, whereupon the sale shall be abandoned. Such person may recover such amount by a suit in a couri of competent jurisdiction from any person beneficially interested in such land or premises.

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(Pari /V—Taxation.—Chapter XVI -—Payment and re coven' of fare.s\ —A, Recovers' of'taxes hv the Corporaiion. —See lions 227-229.)

227. 11) No assessment and no cliaree or demand of the '[properly .[li.x'"n]j?'

y' y' iax] on lands and buildings or of any other lax made under lhis Act shall «|L-rcct of be called in question or shall in any way he a (fee led by reason ofð

invjiliJ ui

(a) any clerical or arithmetical mistake arising from any accidcntal slip or omissionð

(i) in ihc name, residents, placc ol'business or occupation of any person liable lo pay such tax. or

(ii) in the description oT any prupcr'y or thing liable lo such tax. or

(iii) in the amounl oT assessment olsuch lax. or

(b) **(i) any clerical error, or (ii) any defcct of form, nol hcing of a substantial nature:**

Provided dial llic Municipal Commissioner may, either ol" his own motion or on the application of any aggrieved person, correct any clerical or arithmetical mistake or clerical error or detect of" form as aforesaid.

(2) It shall suffice for die **purpose of levying any tax under this Acl or of any assessment of value oT any properly under this Acl, if lhe properly laxed or assessed is so described as to be generally known, and il shall nol he r.ecesary to mime the owner or the occupier thereof,**

228. (I) When any sum is due from any person on account of—

(a) lax on professions, trades and callings, ur (bl tax on advertisements oilier than the advertisements

published in newspapers, or -(c) any other lax. fee or charges leviable under lhis Acl.

Power of the Municipal Conn llisNOncr lo proscculc or scrvr nuliti: ol ilcliniul.

lhe Municipal Commissioner may either prosecute such person, if prosecution lies under the provisions of lliis Act, or cause to be served on him a notice of demand in such Tumi as may be prescribed or in any oilier form io ihe like effeci.

(2) The provisions uf section 217 and clause (a) of seclion 224 shall, wilh all necessary modification apply to every such notice of demand.

229. The Corporation may by order strike off ilie hooks of the Corporaiion any sum due on account of lhe '[properly lax] on hinds and buildings or any oilier tax or on any other account, which may appear to it to he irrecoverable.

C;mcL'li;ilion of irrecoverable dues.

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(Pan IV.—Taxation.—Chapter XVI.—Payment and recovery of taxes. —B, Recovery of property tax by person primarily liable to pay to the Corpora! ion. —Sect ions 230-232.)

B. Recovery of'[property tax I by person primarily liable to pay to the Corporation

Apportion-ment of '[property las] by the person primarily liable to pay

230. Save as otherwise provided in this Act, the person primarily liahle to pay the '[property lax] in respeci of any land or building may recover—

(a) if lhcrc he hut one occupier oF the land or building, from such oecupicr half of lhe rate so paid, and may, if there be more lhan one occupier, recover from each occupier half of such sum as bears Lo llie entire amount of rale so paid by ihe owner the same proportion as the value of the portion of the

■ **land or building in lite 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 amouni may be apportioned and recovered from each occupier in such proportion as the annual value of the portion occupied by him bears Lo the total annual value or such land or building;

(b) the entire amount of the surcharge on the '[property tax) on any land or building from the occupier of such land ar 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 '[property taxi may be apportioned and recovered from cach 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.

Mode of recovery.

231, If any person is primarily liable to pay any '[property tax) on any land or building and is entitled to recover any sum from an oecupicr of such land or building, he sliall have, for recovery thereof, the same rights and remedies as if such sum were rent payable Lo him by; the person from whom he is entitled lo recover such sum.

Tlic '[property I [is] on lunds and buildings io be Jirsl charge oil premise.[1],.

232. The '[property taxj on lands and buildings due from any person shall, suhjcci io 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 suclt person and upon the movable property (if any) found within or upon such land or building.

PART V

Civic SERVICES

CHAPTER XVII Water Supply

A. General

233. In ihis Chapter, unless the context otherwise requires,— Definitions,

(1) "main" means a trunk main, or reserve main, or service main, as lhe case may be, in a given context;

(2) "reserve main" means a main laid by the Corporalion for lhe purpose of giving a general supply of waler as distinct from a supply (o individual consumers and includes any apparatus used in connection wiih such main;

(3) "service main" means so much of any main Tor supplying waler from a reserve main to any premises as is subject io water pressure from that reserve main or would be so subject but for lhe closing of some tap; "

(4) "supply pipe" means so much of any pipe Tor supplying water from a service main to any premises as is subject Lo water pressure from that main or would be so subject but for Ihe closing of some lap;

(5) "trunk main" means a main constructed for the purpose of conveying waler from a source oFsupply to a filter or reservoir or from one niter 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 or giving or taking a supply or waler in bulk;

(6) "water filLings" includes pipes (other lhan mains), laps, cocks, valves, ferrules, meters, cistcms, baths and olher similar apparatus used in connection with the supply and use of waler.

B. Functions in relation to water supply

234. (1) It shall be lhe duty or Ihe Corporation to take steps rrom Corporation's Lime io Limeð , w . Dž duty io supply

(a) Tor ascertaining the sufficiency and wholesomeness of waler wmcr. supplied within '[Kolkata];

(b) for providing a supply of wholesome water in pipes to every part of '[Kolkaia] in which there are houses, for domestic purposes of the occupants thereof, and for taking the pipes

affording thai supply io such poim or points as will enable the houses lo be connected thereto al a reasonable cost,

so, however, lhai the Corporatkiu shall nol be required lo do anything which is nol praetieable al a reasonable cost in lo provide such a supply to any pan of '1 Kolkaia] where sueh a supply is already available al such point or points aforesaid:

■"Provided lhai lhe Corporalion may, al any lime, levy an annual fee al such rate as may be fixed by regulations, or as slated in lhe budgel estimate under sub-section (3) ol'scclion 131, in ihis beliaIT, on lhe owner or the occupier of, or on the person liable io pay ^[properly tax] on, any house lo which such supply of wholesome water is made:

'Provided further lhai lill such liuie as the Corporalion provides any water-meter and attaches lhe same Lo Lhc supply pipe in any premises or building eomiecLcd willi lhe service mains of lhe Corporation, or where such waler-Jtieler goes oul of order, or where there is a dispute about lhe proper operation of such waier-metcr, lhe annual fee as aforesaid may be levied on lhe basis of Lhc annual valuation of such premises or building in a graded manner at such rale as may be determined by lhc Corporation by regulations, but such rate shall not exceed ten *percent* of the annual valuation as may be so determined or separately tabulated in respect of the premises or building or portion (hereof.]

f ^Explanation /.—**Supply of water shall include supply ' through service mains of the Corporalion or through lutiewell allowed to be sunk within the premises or both or procured front any other municipal sourcc,**

^Explanation II.—**"House" includes a building, flat as defined in the Wcsl Bengal Building (Regulation of Wcsi lien, Acl Promotion of Construction and Transfer by Promoters) Acl, or 1993, or apartment as defined in the Wesl Bengal Apartment xvi'nNw' Ownership Acl, 1972;**

(c) for providing, as Tar as possible, a supply of wholesome waler otherwise lhan in pipes lo every pari of '[Kolkata] in which there arc houses, for domestic purposes of the occupants Ihereof and to which it is nol practicable lo provide a supply in pipes at a reasonable cosi, and in which danger lo health

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arises from lhe insufficiency or unwholesomeness oT Ihe existing supply and a public supply is required and can be provided at a reasonable cost, and Tor securing that such supply is available wilhin a reasonable distance oT every house in thai pan.

[L](1 A) No lee for supply of waler shall be levied on any premises, building or house having an annual value or less than three hundred rupees. provided it is nol used for commercial purpose by the occupicr or the person liable to pay -[propeny tax] or laxes.

'(IB) In the case of a building constituting a single unit of assessment and severally owned in parts or flats, fee for supply of water to any such part or flat may be levied ai such proportion as the annual value for such part or flat bears lo the assigned annual value of the building:

Provided that where the amount of-[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 Acl, the annual fee for supply or waier to such pari or Flal shall be levied on lhe owner or such part or Hat on the basis of the annual value so assigned.

(2) If any question arises under clause (b) of sub-section (i) as to whether anything is or is not practicable at a reasonable eost or as to the point or points lo which pipes must, be laken in order Lo **enable houses** Lo **be connected lo them at a reasonable cost or, under clause (c) [hereof 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 lhe decision.**

(3) Without prejudice to the provisions of sub-scction (1), the Municipal Commissioner shall, for the purpose oT securing, that, so Tar as is reasonably practicable, a sufficient supply or wholesome waier Tor domestic purposes is available to every house and every public place, exercise his powers, under this Act, of requiring lhe owner of such house or public place to provide a supply of waier thereto.

'234A. The owner of a pan or flal of a building for which Tee Tor supply Recovery of of waler is charged may recover lhe entire amounl of such Tee rrom the .^wniVrby ^ occupier thercor who uses it Tor residential purpose or otherwise: owner rrom

Provided that if there is more 111 ail one such occupier, the amount [occ]"P[|cr]- of fee Tor supply of waler may be apportioned or recovered from each such occupier in such proportion as lhe **annual value of the portion occupied by him bears** lo **llic** Lola) **annual value of Ihc building comprising such part or flat.**

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f Pari V.—Civic Sen'ices.—Chapter XVI1.—Water Supply.—B. Fund ions in /rialion io water supply.—Sections 234B. 23-1C, 235-237.)

Occ il piers of fhis pr houses or Siiltc GiKL'mr.ieiH arid statutory bodies lo pay fee for supply of waier.

'234B. For [he residential buildings or premises owned by lhe Stale Government or any statutory body which are occupied in flats and where no annual valuation may be apportioned separately for each such llal, the fee for supply of water may be levied on each occupier on Ihc basis of the area itt occupation in such manner as may be determined by regulations.

Power of Corporaiion io require ihe owners I ft <,*cl* up pumps cic.

'234C. For the purpose of securing adequate and uniform supply of wholesome waier to every premises, house, flat or building, the Municipal Commissioner may require the owner of lhe premises or building to set up electric pumps or other contrivances whereby water may he 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 or cause Lubewcll lo be sunk to supplement lhe supply of water lo all parts or the premises or building.

Supply of unfllicred wmcr.

235. The Corporation shall provide a supply of unfillered waier—

(a) in [hose parts of -[Kolkula] in which such water is provided at the commencement of this Act; and

(b) in such other pans of [J][KolkaiaJ as it may think fit: Provided that the Corporation may discontinue the supply of unfiltered water in any part of -[Kolkaia] where a supply, in sufficient quantity, of wholesome waler becomes available.

Waler supply lo Inns or [>;t i.V*r*.S.

236. (I) The Corporation shall, subjeel io the rules or lhe regulations made in litis behalf, provide supply of wholesome water either in pipes or by sinking tube wells or otherwise io huts or *bustee s* **for domestic purposes oT the occupants thereof.**

(2) The Corporation shall provide, where it is so available, supply of unfiltered water for the flushing of privies in *busteex.*

Waler supply ill rough hydrants, stand-post* ur other conveniences.

237. (1) The Municipal Commissioner may, wilh the prior approval of the Mayor-in-Council, erect hydrants or [J][standposts for supply] wholesome water Lo lhe public within *[KolkataJ through other conveniences:

Provided that Tor (he purpose of safety, maintenance and regulation of use of such public hydrant or standposi, if may be placed under the charge of any person who may realize from each consumer such fee as the Mayor-in-Council may, from lime to lime, determine:

Provided further that the Corporation may, by regulations, control llic functions of such person.

(2) The Municipal Commissioner may, with the prior approval of lhe Mayor-in-Council, close a public hydrant or slandpost or close olher convenience when il is no longer required for lhe supply of wholesome water lo lhe public.

238. (I) The use of wholesome waler shall be for domestic purposes only. Supply of . waler for domestic purposes not any supply forccnai n specified purposes.

(2) The supply of waler for domestic purposes under this Act shall io include 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 bnihs, or

(d) for watering gardens or streets, or

(e) for any ornamental or mechanical purpose, or

(0 for building purposes, or

(g) for flushing purpose other than the purpose of flushing privies in *bustees,* **or**

(h) for washing cars, carriages and pother vehicles, or]

[J](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 clausc (2) of seciion 390, or to any part of any such building, olher than lhai used as a residential building or educational building wiihin the meaning of sub-clause (a) or sub-clause (b), as lhc case may be, of clause (2) of section 390:

Provided that in case of emergency, wholesome water may be used for extinguishing fire.

{West Uen. Acl

(Han V,—CiVif Sen'iccs.—Chapter XV!}.—Waler Supply.— U. Functions in relaiion to water supply.— Section 239.)

Power io supply waler Tur no lido ill cs tic purposes.

239. '(1) The Municipal Commissioner may supply waler for any purpose, oilier lhan domestic purpose, oil receiving a wxillen application specifying the purpose Tor which lhe supply is required and llie quantity likely to be consumed:

Provided lhai llie payment of any fee for Llic supply of waler under this sub-section shall he made al such rale as may be fixed by regulations or as siaied in the budgel estimate under sub-section (3) of seciion 131:

-Provided further iliat where there is no connection lor supply of water lo lhe premises from lhe service mains of the Corporation, llie fee for llie supply of water for non-domestic purpose may be levied on the basis of consumption at such rale as may be determined by regulations:

***|Provided also] that till such lime as llie Corporation provides any wuicr-mcler and ailaches llie same to the supply pipe in any premises or building connected wiih ihe service mains or lhe Corporalion. or where such water-meter goes out of order, or where iliere is a dispute about the proper operation of such water-meter, the fee for llie supply of water under this sub-section may be levied on the basis of ihe size of the ferrule attached to die supply pipe in such premises or building.**

[J](2) .Subject to the provisions of sub-scclion (I}, when an application under lhai sub-section is approved, the Municipal Commissioner may by order place or allow lo be placed llie neuessury pipes and waler fittings of such dimension and character as may be specified in the order. ■

[J](3) Notwithstanding anything contained in sub-section (1) or elsewhere in this Act. lhe Municipal Commissioner, on receipt of any information lhai lhe waler supplied under lhai sub-section is being consume for any purpose other than the purpose specified in the application thereunder, may, without prejudice to any olher action which he may be entitled to lake under ihis Acl, levy fee for such consumption of waler at such rate as staled in lhe budgel estimate under sub-section (3) of seciion 13J, with efTecl from such dale as lhe Municipal Commissioner may determine:

Provided thai no such Tee shall be levied under ihis sub-scciion without giving the person concerned an opportunity i>f being heard.

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(Pan V.—Cine Sen-ices.—Chapter XVII.—Water Supply. B. Functions in relation to witter supply.— Sections 240, 241.)

240. The Municipal Commissioner shall, oil demand, supply any ship in lhe Poll ol '[Kolkata] wilh a reasonable supply of wholesome waler for use on Ilie voyage at such price for every thousand Ii ires and on such conditions as the Mayor-in-Council may from lime to lime determine.

Supply of water io sliipi.

241, (l) The Mayor-in-Council may, ai any time, on receiving an application from the Commissioners of a municipality or from (he Cantonment Board of a cantonment or from any other authority in reaped of any other area adjacent to '[Kolkaia] which may be included in '[Kolkata] by the State Government by notification, direct that such quantity of wholesome waler *per diem* **as may be determined by it shall be delivered inio such reservoirs or pipes of such municipality or can ton men t or area, as lhe case may be, us may be specified in such application.**

Supply til" waier LO areas adjacenL lo' [Kolkaia J,

(2) The supply of waier under sub-section (1) shall be ai such rate not being less than the cost of production and delivery (including the cosis for debt servicing, depreciation of plan! and machinery, losses and other charges, if any) ns ilie Mayor-in-Council may from lime to lime 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, aflcr giving twelve months' notice of its intention so to do, cut off the supply with the approval or the Slale Government.

(4) An appeal shall lie to Ihc 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 Stale Government shall consider any representation made by the Mayor-in-Council with reference lo such appeal.

(6) No order made on any such appeal shall direct the delivery of water ai a rale lower than the cost of production and delivery.

(7) Every order made by lhe State Government on any such appeal shall be filial.

(8) Notwithstanding anything contained in sub-section (1), any municipality or cantonmcnt or area which was getting delivery of wholesome water from lhe Corporaiion consli luted under the 'IKolknta] Municipal Act, 1931 immediately before the dale or commencement of this Acl shall, subject lo the provisions of sub-seciion (3), continue to gel delivery of wholesome water from the Corporation constituted under lhis Act on the terms and conditions in force immediately before such date, and such lerms and conditions may be modified at any time in accordance with the provisions of this seclion.

VVcsi Bun- Ad XXXIII of 1951.'

(Purl V.—Civic Sen'iccs,—Chapter XVII.—Water Supply.—
B. Functions **in** *relation to water supply.—Sections 241 A, 24IB.—*
C. Planning, construction, operation, maintenance and management of watenvarks.—Sections 242, 243.)

Pavsurnpuon '241 A. Where any supply of wholesome waler has been made io any orwiu"r![PIJ] **premises or building, cither 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 llie ferrule, that the supply of as much quantity or such water a.s may pass through such ferrule, has been made, and there shall not be raised any dispute about the payment or any Tee Tor such supply on any ground whatsoever except on the ground or disconnection, iT any, of the supply pipe as aforesaid under any provision of this Act or the rules or lhe regulations made thereunder.**

Presumption as Lo washing of vehicles.

'241B. Where the address of Lhe owner of a motor vehicle as recorded in lhe certificate of registration or such motor vchicle under any law for the lime being in force is within the jurisdiction or lhe Corporation, or where such motor vehicle is kcpl in any area wiihin Ihe jurisdiction of lhc Corporation, il shall be presumed thai additional water for washing such motor vehicle has been consumed by such owner, and the Corporation shall have Lhc power Lo levy Tee on such owner at such rale as staled in lhe budgel estimate under sub-section (3) of seciion 131 or as may be fixed by regulations under the proviso to sub-section (1) of seciion 239.

C. Planning, construction, operation, maintenance and management of waterworks

242. All rights over lhe sub-soil water resources in -[Kolkaia] shall vest in lhe Corporalion.

Corporation** proprietory righLs over sub-soil wTiler resources.

Corporation's powers conccming waterworks.

243. (1) For the purpose of providing [1]**[Kolkaia] with supply or water, proper and sufficient Tor public and private uses, lhe Corporation may—**

(a) plan, construct, operate, maintain and manage waterworks, either within or outside [1]**[Kolkata];**

(b) purchase or lake on lease any walerwork or any water or right to store or lo lake and convey water, either wiihin or outside -[Kolkaia];

(c) enler into an arrangement with any person and authority for supply or water:

Provided llial lhe Corporation may, wiih the approval of lhe Slate Government, make over lo or lake over from a statutory body waterworks

'Sections 241A and 241U were inserted by s. 5 of lhc Calculla Municipal Corporation {Amendment) Act, 1994 (Wesl Ben. Act XXXI] of 1994).

^ *>i> mnf S77 *n r i fp*

1980.]

(Part V.—**Civic** *Sen 'ices.—Chapter XVIL—water supply,—* **C.** *Planning, const ruction, operation, maintenance and management of waterworks.—Sec!ions 244, 245.)*

so as lo do anything which may be neccssary or expedient for Ihe purpose or carrying oui iis functions under this Aci or under any oilier law for the time being in force.

(2) Without prejudice lo the generality of the foregoing provision, such power shall include lhe power—

(i) lo make over lo or to take over from a statutory body all or any of the existing or new municipal responsibilities, powers, conirols, facilities, services and administration relnling to water supply in '[Kolkata], and lo manage the same;

(ii) Lo **extend,** expand and develop existing facilities **and** to **consirucl** and operate new ones;

(iii) to establish, operate, maintain and manage engineering workshops related to the waterworks and lhe water supply system;

(iv) lo 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) lo regulate drilling of lubewells, public or private, and lo control withdrawal or underground water;

(vii) to prevent polluiion or any waier including any water-source, water course or channel within or outside '[Kolkaia];

(vjii) lo prevent discharge of induslrial wastes or foul water into any river, canal, or oiher water channel abutting the water sourcc, water course or channcl of Corporation's water supply;

(ix) to acquire any tank, pond, well or other water area wilhin '[Kolkata] considered lobe prejudicial to community health.

244, Subject lo ihe other provisions of this Act, Lhe **Municipal** Municipal **Commissioner shall manage all waterworks and allied facilities belonging ^"manage""* lo lhe Corporation and shall maintain the same in good repair and efficient waterworks, condilion and shall cause lo be done from time to time all such things as shall be necessary or expedient for improving the said works and facilities.**

245, (1) The Municipal Commissioner, or any person appointed by Power of the Stale Government under section 246 **in this behalf, may, Tor the purpose of inspecting or repairing or execuiing any work in, upon or in connection with any water work, at all reasonable times,—**

'See [bol-nolc 2 nn pjgc 573, *ante.*

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(a) **enier upon and pnss through any land wiihin or outside '[Kolkaia], adjacent io or in Die viciniiy of such waler work, in whomsoever such land may vesl,**

(b) convey inlo and through any such land nil accessary materials, Tools and **implements.**

(2) In the exercise of any power conferred by litis section, as little damage as possible shall be done, and compensation Tor any damage which may be done in the exercise or any such power shall be paid by the Municipal Commissioner or, if any person appointed under seciion 246 has caused the damage, by lhe Stale Government.

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Inspection ol waterworks by persons appointed by Slaw Government.

246. Any person appointed by the Stale Government in litis behalf may, al all reasonable limes and with the prior intimation to the Municipal Commissioner, enter upon and inspect any waterworks belonging to lhe Corporation.

wawr'for *2X1.* **The Municipal Commissioner shall, at all times,** secure **that the domestic water in any waterworks belonging** Lo **Lhc Corporalion** from **which waler purposes. j$_s$ supplied for domestic** purposes **is wholesome.**

D. *Tubewells*

248. (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, wiih the prior approval of lhe Mayor-in-Council, grant such permission and issue a lubewcll licence on such condiiions and on payment of .such annual fee as the Mayor-in- Council may from time io lime specify:

Prohibition regarding sinking of tubewells.

Provided thai any person owning a Lubewell sunk before Lhe commencement of this AcL shall take out a tubewell licence on such conditions and on payment of such annual fee as the Mayor-in-Council may from lime to Lime determine.

Municipal comtni- >sioncr's direction lo sink lubc- well in some eases,

249. (1) Notwithstanding the provisions of section 248, lhe Municipal Commissioner may, wiih llie prior approval of lhe Mayor-in- Council. by a written nolice, require the owner of a premises to sink a lubewell, 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 eases, for reasons lo be recorded in writing.

'.Tiv fool'iune *1* on page 573, *ante.*

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. (2) livery such owner shall be bound io Lake OUL a tubewell licence on such conditions and on payment of such annual fee as Llic Mayor-in- Council may from lime lo Lime determine.

'(3) Notwithstanding any thing contained in .scclion 248 or in lhe foregoing provisions of this seclion, lhe owner of a tubewell shall be exempted from paymenL **of any tee for renewal of annual licence for** Lhe **tubewell if any fee for supply of water is charged under [his Chapter.**

250. The Municipal Commissioner shall cause Lo be maintained a register, in such form and in such manner as may be determined by regulations, which shall provide an inventory of the lubewells, public or private, sunk in [RolkataJ and such register shall be updated from lime to time.

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E. Water supply mains and coiincctiuus to premises

Municipal Commissioner io maintain a register of tu be wells sunk in -(Kolkaia],

251. (1) The Corporation may lay a main, whether within or outside lhe local limits of '[Kolkaia],—

(a) in any street, and

(b) with (he consent or every owner or occupier of any land nol forming pan of a street, in, over or on that land,

Power to lay Jiuins.

and may, from lime lotime, inspect, repair, alter or renew or may, at any lime, remove any main so laid, whether under this scclion or otherwise: Provided thai where a consent required for ihe purpose or this subsection is withheld, ihe Municipal Commissioner may, aTier giving the owner or ihc occupier of the land a wriiien notice or his intention so lo do, lay the main in, over or on [hat land even without such consent.

(2) Whenever Hie Municipal Commissioner, in excrcise of lhe powers under this section, lays a main in, over or on any land not forming pan 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 lo every person interested in thai knd for any damage done thereto, or injurious affection of that land by reason of the laying, inspection, repair, alteration, renewal or removal of ilie main.

Power io hy scrvicc mains, etc.

252. (1) The Municipal Commissioner may, in any street, whether within or outside the local limits of the Corporation, lay such scrvice mains wilh such stopcocks and oiher waler fittings as he may dcein necessary for supplying waler to premises and may, from lime to lime, inspect, repair, alier or renew and may, at any lime, remove any service main laid in a slreel whether under this scclion or otherwise.

"Sub-scetinn (3) was insured by s. 22 of ihc CJuiNa Municipal Corporaiion (Amendment) *Acy 1991* (West Bon. Acl XXVI nf 1997).

[2] *See* foot-note 2 on page 573, *ante,*

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(2) Where a service main has been lawfully laid in, over, or on Lhe "• land not forming purl of a sLreei, Lhe Municipal Commissioner may, from time !o lime, enter upon that land and inspect, repair, allcr, renew or remove ihe main or lay a new main in substitution thereof but shall pay compensation for any damage done in the course of such action.

oiTirc'[0]" **253. (i) The Municipal Commissioner shall fix hydrants on water** hytinnis, **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 orevery hydrant placed under this section, letters, marks or figures shall be displayed prominently on any wall, building or olher siructure 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 kepi and in such other places as he deems necessary,

(4) The Municipal Commissioner may, al the request and expense of the owner or lhe occupier of any factory, workshop, trade premises or place or 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 lime to lime renew one or more Tire hydrants, to be used only Tor extinguishing fires, as near and as conveniently may be lo such factory, workshop, trade premises or place of business.

(5) The Municipal Commissioner shall allow all persons lo take water Tor extinguishing fires from any main on which a hydrant is fixed without any payment.

Power lo Municipal Commissioner ID jllow CDnncclions of premises ID sc/vkc maini.

254. The Municipal Commissioner may pemiil the owner, lessee or occupier of any premises io connect the premises by means of supply pipes for conveying to the premises a supply oT wholesome or unfiltered water from lhe service mains of the Corporalion subjecL lo the provisions of this Acl and lhe rules and the regulations made in this behalf.

Power lo **syPf'y** pipes.

255. (I) The Municipal Commissioner may require the provision of separate a separate supply pipe for each of the premises supplied or to be supplied by him wiih water.

(2) ir, **in the case of any premises, already supplied with water but nol having a separate supply pipe, lhe Municipal Commissioner gives nolice to the owner of the premises requiring the provision or such a pipe, the owner shall, within ihrte months, lay so much of the required**

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pipe us is not required to be laid in a street, and the Municipal Commissioner shall lay so much of ihc required pipe as is lo be laid in a slreel and make all ncccssary communications.

Stopcocks,

256. (1) The Municipal Commissioner shall, in every service main laid aflcr ihc commencement of lhis Act and may, on every service main laid before such commencement, fit a stopcock enclosed in a covcr box or a pil of such size as may be reasonably necessary.

(2) Every siopcock filled on a service main after the commencement of liiisAci shall be placcd in such position as lhe Municipal Commissioner deems mosl convenient:

Provided lhal—

(a) a siopcock in privale premises shall be placed as near to the street from which lhe supply pipe enters those premises as is reasonably practicable; and

(b) a siopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable.

Waler pipes elc.. nol lo be placed where wutcr will be polluted.

257. (I) No water pipe shall be laid in a drain or on ihe surface of an open channel or house gully or wilhin twetuy feet of a cesspool or in any position where lhe pipe is likely to be injured or lhe water therein polluted; and no well or lank and, except wilh the consent of lhe Municipal Commissioner, no cistern shall be constructed wilhin twenty feet of a latrine or cesspool.

(2) No latrine or cesspool shall be constructed or made wilhin tweniy feel of any well, lank, water pipe or cislern or in any position where pipe, well, lank or cistern is likely io be injured or the water therein polluted.

Supply pipes to be kepi in efficient repair.

258. Il shall be incumbent on the owner or the occupier of arty premises to which waler is supplied from any waterworks belonging to Ihe Corporation to keep in a thoroughly clean condition, and to maintain and keep in efficient repair, every supply pipe connecting lhe premises to the supply mains of the Corporaiion and any other walcr-fiuings in the premises:

Provided lhal upon an inspection, lhe Municipal Commissioner may, by wrillen notice, require lhe owner or the occupier of lhe 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 seclion, he may, after giving three days' notice in writing lo the owner or to the person to whom he is responsible for the payment of his rent,.himself have the repairs executed and dcducl lhe expenses thereof from any rent which is due from him to such person.

(fart V.—Civic Services.—Chapter XVII,—Water Supply.—E. Water supply mains and connections in premises.—Sections 259, 260.— F. Water-Meters.—Section 261.)

Vcsiinj^or connections lo premises in llic CoqwrJtion,

259. The Municipal Commissioner may, il" lie thinks fii, lake charge of all supply pipes and water-fittings of any permises connected will) Lhe **waler mains ol" the Corporation and** under **such circumslances ns may be specified by regulations, Ilie same shall thereafter vesi in and be maintained at the expense of Ihe Corporaiion.**

Municipal waler supply, huwuragc and drainage cotlc.

260. **(1) All private conueclions of premises to the service mams of ihc Corporation for lhe supply of water thereto and all pipes, laps and other water-fillings used for such supply shall be made, maintained and regulated in accordance with and subject lo such regulations as may be made in this behalf, and such regulations shall form a part of a Municipal Waler Supply, Sewerage and Drainage Code:**

Provided thai in making such regulations, due regard shall be given to lhe relevant-codes relating io water supply and oilier mailers related thereto, published by ihe Indian Standards Institution from lime lo lime:

Provided further lhal in the absence of any such regulations, the provisions of lhe relevant codes of lhe Indian Standards Institution shall apply.

(2) The regulations shall specify the requirements wilh which an owner, lessee or occupicr of any premises who desires lo have a supply of water from the Corporaiion shall comply.

(3) The regulations shall provide for inspection of premises by the Municipal Commissioner io ascertain compliance wilh Lhe **provisions of sub-section {I) and for testing any waler-fillings, used in connection with water supplied by lhe Corporation.**

P. *Water-Meters*

Power of Corporjiiun lo establish hlock meter;.

261. **(1) The Corporation may, if it thinks III, 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 lime** Lo **lime and wilh due regard io the size of the population and technical compulsions, iT any, and after taking into account the capacity approved by it for non-domeslic purposes, regulate the supply or waler in a given area in such a manner so as lo ensure lhal there is equitable distribution of available water supply throughout '[KolkaiaJ:**

Provided that the Mayor-in-Council shall have Tull and final discretion in these matters.

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Po^cr of MuriiL-ip.il Commissioner tti provide meters

262. **(1) The Municipal Commissioner may provide a waler-metcr and attach |lie same to the supply pipe in the premises connected wiLh the service mains of the Corporalion,**

(2) The expenses of providing and attaching a meter under sub-scction (1) shall be paid oui of Llie Municipal Fund,

(3) The use, rem io be paid Tor such use, maintenance and lesiing of meiers shall be governed by the regulations made in this behalf and sluill form a part of ihe Municipal Water Supply, Sewerage ;uid Drainage Code.

PrcMimpiion asl,, torrcclncss of meiers.

263. Whenever water is supplied under ihis Aei ihrough a meter, iL shall be presumed lhai Lhe quantity indicaied by lhe meler has been consumed until ihe conlrary is proved,

Prohibition orfr.iud in respeci or meiers.

264. (1) No person shall fraudulently—

(a) alter llie index to any meter or prevent any meter from duty registering the quantity of waler supplied;

(b) abstract or use water before ii lias been registered by a meter se\ up for Lhe purpose of measuring the same.

(2) The ex islenceof artificial means under the control yf lhe consumer ¡ for causing any such alteration, prevention, abstraction or use shall be an evidence thai lhc consumer has fraudulently affcctcd the same.

Payment recorded by nwturs.

265. (1) In a premises where a meier has been attached on a supply for **pipe, the occupier shall be liable to pay for llie waler shown io have been consumed on the basis of ihe readings recorded by the mcier altachcd to the supply pipe:**

Provided I hat where a water-meter attached to the supply pipe in any premises or building con nee led wiih ihe service mains of lhe Corporation goes out of order, or where there is a dispute aboui the proper operation of such water-meter, or where such wuter-meler is fraudulently ahered or tampered with, llie annual fee for lhc supply of waler io such premises or building—

(a) may, where the supply of water is made for domestic purpose, be levied on lhe basis oflhe annual valuation of such premises nr building, or

(Pan V.—Civic Soviet's,—Chapter XV! 1.—Waier Supply.— F. Water-Meters.—Sections 265A-265C—G. Genera! powers regarding water supply and its uses.—Section 266.)

(b) may. where the supply of waler is made for any oilier purpose, be levied on the basis of lhe size of lhe ferrule altaehcd Lo the supply pipe in such premises or building, or

(c) may be levied on lhe basis of consumption of water, as lhe case may be, as may be determined by regulations.

(2) The Corporation shall, from lime Lo time, determine the rate per thousand litres Tor the supply of water at which Ihe amount payable under sub-section (1) shall be calculated:

Provided that in' fixing pro rata unit rate, the CorporaLion shall endeavour to cover Lhe cost for operation, maintenance, depreciation, interest payments and other charges related lo Lhe waterworks and (he distribution costs, including distribution losses, if any.

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Ex em pi ion TrOTn payment or fee Tor supply of water,

'265A. The Mayor-in-Council shall have the power lo exempt, cilher wholly or partly, any person from payment of the annual fee for the supply oT waler for domestic purpose or for any oiher purpose— . -

(a) in any ease where such payment causcs, to the satisfaction or Lhe Mayor-in-Couucil, undue hardship lo him, and

(b) in any other case where the Mayor-in-Council thinks fit so lo do,

Dele mi million ofsizc of ferrule.

-265B. The size of a ferrule attached lo the supply pipe in any premises or building shall be determined on the basis or Lhe annual valuation of the premises as may be fixed by regulations.

Fee for supply of waier on llic basis of previous annual valuaiion.

'265C. If the determination of current annual valuation of any premises, building, flat or apartment is held up on account of any reason whatsover, Lhe fee for supply of waler shall be paid on the basis of lhe previous annual valuation of such premises, building, flat or apartment and, on determination or Lhe currcni annual valuation or such premises, building, flat or apartment, lhe arrear Tee for supply of waler shall be realised.

G. General powers reagarding water supply and its uses

New premises noi lo be occupied wilhoul arrange me nl fur waler supply.

266. **No person shall occupy or cause or permit lo be occupied any premises or part thereof constructed or reconstructed after lhe**

(Part V.—Civic Services.—Chapter XVII.—Waler Supply. G. General powers regarding water supply and its uses. Sections 267, 26S.)

commencement of this Acl until he has obtained a certificate from the Municipal Commissioner thai there is provided within, or within a reasonable distance of, Lhe premises such supply or wholesome water as appears to the Municipal Commissioner Lo be adequate for the persons who may occupy to be employed in such premises, for iheir domestic purposes.

267. If il appears to the Municipal Commissioner that any premises in '[Kolkaia] are without supply or wholesome waler for domestic purposes or lhai lhe 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 [propcrly lax] in respect of the same—-

(a) to lake a connection from lhe supply mains or Lhc Corporation adequate for Lhe requirements of Lhe person occupying or employed in Lhe premises or to lake such additional or enlarged connection or connections from lhe supply mains; and

(b) Lo **provide supply pipes and water-fittings and inslnl and work a pump and do all such works and lake all such measures as may, in the opinion of the Municipal Commissioner, be necessary for the above purposes.**

Power lo close or rcstricl use or water from polluted sources of supply.

268. (1) If lhe Municipal Commissioner is of opinion that the water in, or obtained from, any well, tank or other source of supply nol vested in lhe Corporalion, being waler which is or is likely to be used for domestic purposes or for the preparation of food or drink for 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 Lhe occupier of lhe premises in which lhe source of supply is situated a reasonable opportunity of being heard, by order, direct thai the source of supply be permanently or temporarily closed or cut ofi" or the water therefrom be used for certain purposes only or make such order as appears Lo him necessary io prevent injury or danger to Lhe health of person using lhe water or consuming food or drink prepared therewith or therefrom,

Power lo require water supply to he taken,

(2) Before making any order under ihis seciion, lhe Municipal Commissioner may cause lhe water to be analysed at the cost of lhe Corporation.

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(Pail **K—C**ivic *Soviet's.*ð *Chapter XVI1.*—**W**mcy *Supply,— G. General powers regarding water supply and ils uses.— Sections 269-272.)*

(3) If the person (o whom an order is made under lhis .scclion fails lo comply (herewith, die **Municipal Commissioner may do whatever may be necessary for giving effect Lo (lie order, and nny expenses reasonably incurred hy him in so doing may be recovered by him from the person in default as an arreai of lax tinder (his Act,**

Power 10 require filling up of wdls.

269. Whenever a supply of filtered ur unfiliered wa(er has been provided in ail area, lhe Municipal Commissioner may, by a wrilien notice, require the owner, lessee or the occupier, as lhe case may be, of a well, lank or oiher waLcrarca forming a pari of any premises in ihc said area, lo Till up such well, lank or waler area.

Power or Corpora l ion [o require owners of premises io sel up pumps, etc,

270. The owner of every premises connccicd with lhe service mains or lhe Corporation shall, when so required by lhe Municipal Commissioner, sel up electric pumps or oiher contrivances whereby waier may be caused lo reach lo ilie lop of ihe lop-inosi siorcy of such premises.

W;»er supplied for dumesllc purposes noi be US-U for nori-domeitie purposes.

271. No person shall, wilhoul lhe wrilien permission of (he Municipal Commissoner, (he use or allow to be used waier, supplied for domcsiic purposes, for any other purposes.

Us. a of un filleted waier.

272. (]) (Jnfillorcd waler shall be used Tor lhe following purposes:—

(a) extinguishing of fire;

(b) slreel w.ncring;

(c) flushing of drains of lhe CorporaLion, gully-pils, public privies and urinals:

(2) Unfiliered waler may also be used. Tree of charge,—

(a) for flushing privies and urinals in private premises connected wilh sewers;

(b) for flushing of drains in private premises;

I* * * Jje

(3) Unfiltered waler shall not be used for domestic purposes or, wilhoul the wrilien permission of lhe Municipal Commissioner, for any purposes oilier ihan ihose specified in sub-seciions (1) and (2).

(Pur! V.—Civic Services.—Chapter XVII,—Water Supply.— G. General powers regarding water supply and its uses.— Sections 273-275.)

(4) Notwithstanding anything contained hereinbefore in this Chapter, wholesome water may be used in lieu of unlillered water for non-domestic purposes where the supply of unfillered waler is not available for the time being.

Fro hi billon of wml" or misuse of water,

273. (i) No person shall wilfully or negligently cause or suffer any water-filling, which he is liable lo maintain,—

(a) io be or remain so oul of order or so in need of repair, or

(b) lo be or remain so constructed or adapted or lo be so used,

lhai the water supplied lo him by lhe Corporation is or is likely lo be wasted, misused or unduly consumed, or contaminated before use, or lhai foul air or any impure mailer is likely lo return inlo any pipe belonging io, or connected wiih, a main belonging io the Corporalion.

(2) If any watcr-fiiting which any person is liable to maintain is in such

Power lo enter premises Lo delect wasic or misuse of wnicr.

Power lo Municipal Commit oiicr [o cul off or lum off supply of water lo premises.

condition or is so conslrucled or adapted as aforesaid, lhe Municipal Commissioner, without prejudice to his right to proceed against Lhe person under any olher provision of this Act, may require that person to carry ou] any necessary repairs or alterations and, if he fails lo do so wiihin forty-eight hours, '[may cause to be carried oul] lhe work and recover from him the expenses reasonably incurred by hiin in so doing as an arrear of lax.

274. **The Municipal Commissioner or any officer of lhe Corporalion authorised by the Municipal Commissioner in writing may, between sunrise and sunsei, enier any premises supplied wiih water by the Corporation in order to examine if there be any waste or misuse of such water and Lhe Municipal Commissioner or such officer shall nol be refused admillancc lo lhe premises or obstructed by any person in making his examination.**

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275. (1) Not withstanding anything contained in this AcL, the Municipal Commissioner may cut off Ihe connection beLween **any walerworks of** Lhe **Corporalion and any premises lo which waler is supplied from such works, or may turn off such supply, in any** or Lhe **following cases, namely:—**

(a) if the premises are unoccupied;

(Pari V.—Civic Semites.—Chapter XVII.—Water Supply.—G. Genera! powers regarding water supply and its uses.— Section 275.)

"(aa) if, in respect of llie premises, any taxes or rales or Tees or charges are in arrear Tor payment for more than one year;

(b) if, after receipt of a written nolice from the Municipal Commissioner requiring him to refrain from so doing, lhe owner or occupier of lhc premises continues lo use lhc waler or to permit the same lo be used, in contravention of this Act or of any regulations made thereunder;

(c) if the occupicr of the premises contravenes section 238;

(d) if the occupicr refuses lo 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 Acl or under any regulations relating to waler supply made under this Acl, 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;

(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 w.eek;

(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, lobe oul 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 lhe use of the premises for human habitation has been prohibited under ihis Aci from lhe dale from which lhe premises are lo be vacated in pursuance of an order under this Act;

(h) if there is any water-pipe situated within the premises to which no lap or other efficient means of turning the water off is attached;

(i) if by reason of a leak in lhe servicc-pipc or fitting, damage is caused io the public sircci and immediate prevention is neccssary;

(j) if iheoccuupierof lhe premises Tails lo pay in full any amounl due from him Tor supply of waier under Lhis Acl:

Provided lhal—

(i) waier supplied for flushing privies or urinals shall nol be cuL off or iruncd off except when the Municipal Commissioner thinks il nccessary io cui off or turn off such waler Tor prevailing damage to or accidenL on public streets:

(ii) water shall not be cut off or turned off in any case referred lo in '[clause (a) or clause (aa) or] clause (g) or clause (j) unless written notice of not less lhan seventy-two hours has been given to lhe occupier of lhe premises;

(iii) in any case referred ID in clausc (f) or clause (i), the Municipal Commissioner may curry out necessary repair to pipes, taps, works, or filling and rccover the expenses thereof from lhe owner or thu occupier of lhe premises. .

(2) The expenses of cutting off or turning off water-supply shall be paid by lhe owner or the occupier of premises and shall be recoverable from lhe owner or lhe occupier as an arrcar of lax under this Act.

Joint and several liability or owners and occupicrs for offence in relation ro waler supply.

276. If any offence relating to water-supply is commilled under lhis Aci on any premises connccied with the service main of the Corporation, the owner, the person primarily liable for lhe payment of" the [propcriy lax] and the occupiers of ihc said premises shall be jointly and severally liable for such offence.

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(Pari V.~Civic Services.—Chapter XVIII.—Drainage and Sewerage,— A. Functions in re la lion to Drainage and Sewerage.—Sea ions 277- 279.—B. Proprietary rights of the Corporation in respect of drains and sewage disposal works.—Section 2S0.)

CHAPTER XVUl Drainage and Sewerage A. *Fit net ions in relation to Drainage and Sewerage*

Corporation Ul pnntdc drainage, SOViTrilgC ;',nd outfall.

277. (!) The Corporation shall construct and maintain drains and sewers and provide a safe and sufficient outfall, in or outside '[Kolkata], fur effectual drainage and proper discharge of storm-waler and sewage of '[Kolkata] in sueh manner as not to cause any nuisance, whether by flooding any part or '[Kolkata] or of the country surrounding tlie outfall or in any other way.

(2) If the outfall deteriorates by Lhe decay of existing river channels or otherwise, Lhe SiaLe Government may require the Corporation to lake at the cosi of the Municipal Fund such action as may be necessary to ensure a safe and sufficient oulfall.

COURT BOOK
EMPOWERING LEGAL CLARITY

Provision of iriwns for disposal of *sewage.*

278, The Corporation may, for the purpose of receiving, treating, storing, disinfecting, distributing or otherwise disposing of sewage, const rue l, operate, maintain, develop and manage any work within or outside '[Kolkata],

279. The Mayor-in-Council may cause any or all of the municipal drains to empty into, and all sewage lo be disposed ofai such place or places as it consider; suitable:

Provided that no place which has not been before (he commencement of ihis Aci used for any of the purposes specified in [his section shall be used exccpi in conformity with Lhc provisions under lhe West Bengal Town and Country (Planning and Development) ACL, 1979 and without Lhc approval of lhe Corporation:

Wcsl Ucn. Aei XII] of i E)7y.

Appomlmcm of places for lhc emptying of Jrjin^ and disposal of sewncc.

Provided furl her thai on and after sueh date as may be appointed by the Slate 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.

B. *Proprietary rights of the Corporation in respect of drains and sewage disposal works.*

Public drains ;md sewnce disposal w nrks lo vcsl ill llic **C (:I |X>;**

280. (1) All public drains, all drains in, alongside or under any public street, and all sewage disposal works constructed or acquired oul of the Municipal Fund or otherwise and all works, materials and things appertaining thereto, which are situated within or outside[1] [Kolkaia] shall vest in the Corporation.

(2) AH public rind oilier drains which are vested in lhe Corporation arc hereafter in lhis Acl referred lo as municipal drains.

(3) For lite purposes of laying, constructing, enlarging, deepening or otherwise repairing or maintaining any such drain or sewage disposal work, so much of lhe sub-soil appertaining thereto as may be **necessary for the said purposes shall be deemed also lo vesl in the Corporation,**

(4) All drains and venlilaiion shafts, pipes and alJ appliances and lltlings con nee Led **with the drainage works constructed, erecled or sel up oni of ihe Municipal Fund in or upon premises nol belonging; lo the Corporation, whether—**

(a) before or after the commencement of ihis Acl, and

(b) for lhe use of ihe owner or occupier of such premises or not. shall, unless lhe Corporation has otherwise determined, or does at any lime otherwise determine, vest and be deemed always Lo have vested in die Corporation.

281. (1) Subjeel lo the approval of ihc Stale Government in ihisbehair, Lhe Corporation may make over Lo, or take over from a statutory body

(Pan V.—Civic Sendees.—Chapter XVIII.—Drainage and Sewerage.— B. Proprietary rights of the Corporation in respect of drains and sewage disposal works.—Sections 28 J, 282,— . **C.** *Municipal Drains.—Section 2S3.)*

any drain or sewer or sewage disposal works so as io do anything which may be necessary or expedient Tor lhe purpose of carrying oui ils functions under lhis Acl or under any other law for the time being in force.

(2) Without prejudice lo lhe generality or the foregoing provision, such power .shall include the power—

(i) lo make over to, or Lake over from, a statutory body all or any existing or new municipal responsibilities, powers, controls, facilities, services and administration relating lo drainage and sewerage in '[Kolkaia], and to manage Lhe same when laken over;

(ii) io extend, expand and develop existing facilities and to construct and operate new ones.

COURT BOOK
UNCOVERING LEGAL CLARITY

282. All municipal drains and sewers, all sewage disposal works and all works, materials and things appertaining thereto shall be under lhe control of the Municipal Commissioner.

C. *Municipal Drains*

283. (L) The Municipal Commissioner may curry any municipal drain through, across or underany street or any place laid oui us or intended Tor a street or under any cellar or vault which may be under any slreel and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whalsoever within '[Kolkaia] or for ihe purpose of oulfall or distribution of sewage outside '[Kolkata].

Co rpo ration's power to make over to or ui lake over ironj a statutory body ilie drainage and sewerage service;,,

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Control or drains and .sewage dis-posal u-uritt,

Power for making drains.

[Wcsl Ben. AcL

(Part V.—Civic Services.—Chapter XVHL—Drainage and Sewerage.— C. Municipal Drains.—Sections 284-287.—D. Drains of private streets and drainage of premises.—Scction 288.)

(2) The Municipal Commissioner may enter upon and construct any new drain in tlie 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. The Municipal Commissioner may enlarge, alter lhe course of, lessen, arch over or otherwise improve any municipal drain and may discontinue, close up or destroy nny 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 lhc purpose or surface drainage:

Provided Lhat 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.

2S5. Subjcct to the approval of the State Governmeni in this behalf, lhe Corporation may, if nccessary, make its drains to communicate with, oremply themselves into, any public drain, lake, stream, canal or watercourse outside '[Kolkaia], and in so doing il may exercise throughout the line of country outside [16] [Kolkaia] through which the said drains are to run all the powers which it mighi exercise under this Act if the said drains were to run entirely in '[Kolkata].

286. Subject to the approval of the Slate Governmeni in this behalf and upon such terms and conditions as may be agreed upon between any local authority and lhc Corporation, any local authority outside '[Kolkata] may cause any drain under its control to communicate with any municipal drain.

287. (I) 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 lhe said drains, the Municipal Commissioner may construct or sel up such reservoirs, sluices, machines and other works as he may from lime to time determine.

:eration ;ind conti- njjvici; drains.

wer lo coii- :l drain of vate slrt-'el :h municipal ıin.

mmunicn- lion municipal ıins uilh ıins, :es, clc.. yond '| ılkata].

mmunication drain under ınrol oT local ilio rily 'ond '[Kolkaia] :h municipal ıin.

:ansing drains.

D, *Drains of private streets and drainage of premises*

288. The owner or a private street shall be entitled to connect lhe drain of such street with a municipal drain subject io such condiiions as may be determined by ihe Corporalion by regulations.

COURT BOOK
EMPOWERING LEGAL CLARITY

[16] *See* fool-nole *7* on page 573. *amt*\

(Part V.₈ Civic Sen.'ices.₈ Chapier XVIII.₈ Drainage and Sew/age.— D. Drains of private streets and drainage of premises.— Sections 2S9, 290.)

289. (1) Subjeel io such regulations as the Corporaiion may make in lhis behalf, ihc owncroroceupicrof any premises having a private house- drain may apply io the Municipal Commissioner io have his house-drain made lo communicate wilh lhe municipal drains and thereby lo discharge foul water and surface waler from ihose premises:

Provided Lhal nothing in lhis sub-seciion shall cnliilc any person—

(a) to discharge direcily or indirectly into any municipal drain any trade effluent from any [rude premises except in accordance wilh lhe provisions made under this Act or any liquid or other mailer lhe discharge of which into municipal drains is prohibited by or under this Act or any other law for the lime being in force; or

(b) where separate municipal drains arc provided for foul waler and for surface water, lo discharge directly or indireclly—

(i) foul water into a drain provided for surface waier, or

(ii) except wilh the permission of Lhe Municipal Commissioner, surface waler into a drain provided for foul water; or

(c) to have his house-drain made Lo communicatc directly wilh a slormwater overflow main.

(2) Any person desirous of availing himself of lhe provisions or subsection (1) shall give to the Municipal Commissioner notice of his proposals, and ai any lime within one month after receipt thereof the Municipal Commissioner may grant permission or by notice lo him refuse lo permit the communication to be made, if ii appears lo him lhal lhe mode of construction or condition of the house-drain is such lhal lhe making of ilie communication would be prejudicial to lhe drainage system, and forthe purpose of examining the mode of construction and condition of the house-drain he may, if necessary, require it lo be laid open for inspection.

(3) The Municipal Commissioner may, if he thinks fit, construct such pari 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 lhe Municipal Commissioner shall be paid by the owner or occupier of the premises in advance in accordance wilh such regulations as may be made by the Corporation in this behalf.

290. No person shall without complying with lhe provisions of section 288 or scclion 289 and lhe regulations made thereunder make or cause to be made any connection or a house-drain belonging to himself or to some oiher person wilh any municipal drain; and lhe Municipal Commissioner may close, demolish, alter or remake any such connection made in

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COURT BOOK
EMPOWERING LEGAL CLARITY

contravention or lhis seclion, and ilie expenses incurred by the Municipal Commissioner in so doing shall be paid by lhe owner of lhe slreel or lhe owner or occupier ol' lhe premises, as the ease may be, for lhe benefit of which lhe connection was made or by ihc person offending.

Premises deemed in be wilhoul effectual drainngc.

291. For lhe purposes of lhis Chapier, premises shall be deemed to be wilhoul effectual drainage unless drainage therefrom is discharged or the drain attached thereto is em plied into a municipal drain or some place legally sel apart for lhe discharge of drainage or a cesspool in accordance with the provisions of Ihis Aci.

Tower of Municipal Commissioner lo require .sewage and mill waier drains io be dislinei.

292. Whenever it is provided in this Chapter thai sleps shall or may be la ken for the effectual drainage of any premises, il shall be competent for the Municipal Commissioner to require tliaL there shall be one drain for sewage, offensive mailer and polluted waier and nn entirely distinct drain fur rain waier and unpolluted sub-soil water or both rain water and unpolluted sub-.soil waier, each emptying inlo separate municipal dm ins or oilier suitable places.

Nov premises not to be cteelcd wilhoul drains.

293. (1) li shall not be lawful to erect or rc-crecl any premises in '[Kolkaia] or to occupy any such premises unless—

(a) a drain is conswcied of such size, materials and descriptions at such level and wilh such fall as may appear lo the Municipal Commissioner lo be necessary for the effectual drainage of such premises;

(b) there have been provided and sel up on such premises such appliances and fillings as may appear to the Municipal Commissioner lo be necessary for lhe purposes of galhering or receiving lhe 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 ai a distance of not exceeding liiirly metres from ilie premises; bul if no municipal drain issiluaied within thai distance then such drain shall empty inio a cesspool lo be constructed by the owner situated wilhin ilie distance lo be specified by the Municipal Commissioner for lhe purpose.

Power of Municipal Coiiuiiiiwifincr lo enforce drainage of uridrjincd premises.

294. (I) 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 meires from any pari or the said

'See fool-nole 2 oil page 573, *unt*<\

*(Pari V.—Civic Services.—Chapter XVHL—Drainage and Sewerage.— D. Drains of private streets and drainage of premises.—
Seciion 294.)*

' premises, he may, by a written notice, require llie owner of [he said premises—■

Compulsory connections of house- drains wilh caeli oilier.

(a) to construct a house-drain emptying into such municipal drain or place;

(b) to provide and sel up all such appliances and fillings as may appear Lo llie Municipal Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, ihe said premises and or effectually flushing such house-drain and every fixture connectcil 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) lo provide a closed drain in substitution of an open drain or lo provide such other appliance or thing either newly or in substitution of any existing appliance or thing or io provide bolh a closed drain and such other appliance or tiling in substitution of lhe existing open drain and olher appliance or thing which is or is likely lo be injurious to health;

(e) to provide and set up all such appliances and finings as may appear lo lhe Municipal Commissioner to be necessary for the purpose of gaihering and receiving ihe waste water from floors and galleries of buildings when ihey are washed and conveying the same through spouts by down-lake pipe so as to prevent such waste water from discharging directly on streels or inside any lower portion of lhe premises;

(0 lo carry out any work to improve or re-model an existing house-droiu whicii is inadequate, insufficient or faulty.

(2) Where in any case nol provided for in sub-scclion (1), any premises are, in lhe opinion of llie Municipal Commissioner, without sufficient means or effectual drainage, he may, by written notice, require llie owner of the premises— '

(a) Lo construe! 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 pari or lhe premises; or

(b) lo construct a closed cesspool or soaking pil and drain or drains emptying into such cesspool or soaking pil.

*(Pari V.—Civic Sendees.—Chapter XVHL—Drainage and Sewerage.— D. Drains of private streets and drainage of premises.—
Seel ions 295, 296.)*

295. When a drain belonging lo one or more persons has been laid in a private street which is common to more ihan one premises and Ilie Municipal Commissioner considers ii desirable lhal any oiher premises should be drained into such drain, he may, by wrilien notice, require Ihc owner or such premises lo connect his house-drain wilh such drain in Ihc private slreel, and ihc owner of such drain in lhe privale slreel shall thereupon be bound to permit such conneciion lo be made:

Provided lhal no such connections 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.

Power of Municipal Commissioner (o drain premises in combination.

296. (1) Where lhe Municipal Commissioner is of lhe opinion that any group or block oT 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 pan of that group or block of premises, the Municipal Commissioner may causc lhal 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 or premises shall be paid by the owners oT such premises in such proportions as Lhe Municipal Commissioner may determine and shall be recoverable from them as an urrcar or (ax under Lhis AcL.

Power of Municipal Commissioner (o closc or limit lhc use of house - (!: iiii jn certain cases.

(Part V.~-Civic Sen'iccs.—Chapter XVHL.—Drainage and Sewerage. D. Drains of private streets and drainage of premises-— Sections 297-300.)

COURT BOOK
EMPOWERING LEGAL CLARITY

297. Where a house-drain contieciing any premises with a municipal drain is sufficient for lhe effectual drainage of sucii premises and is otherwise unobjectionable but is not, in Lhc opinion of Lhc Municipal Commissioner, ad op Led to the general system of drainage in '[Kolkata], he may, by writLcn notice adddresscd lo the owner of the premises, direct—

(a) thai such house-drain be closed, discontinued or destroyed and that any work necessary for (hai purpose be done; or

(b) lhai sueh house-drain shall, from such dale as may be specified in lhe noiicc in this behalf", be used for sewage, offensive mailer and polluted waler only or for rain water and unpolluted subsoil water only:

Provided lhai—

(i) no housedrain may be closed, discontinued or destroyed underclausc (a) except on condition of his providing another drain equally effectual Tor the drainage or 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 clausc (a) may be paid out of lhe Municipal Fund.

298. For lhe purpose or efficient drainage of any premises, the Municipal Commissioner may, by nolice in writing,—

Power of Municipal Commissioi tr lo mjuiri: owner lo CflTT^ oul certain works for satisfactory clI.lilK.iX'

(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 manner as may be approved by the Municipal Commissioner, or

(b) require lhe level or such counyard, alley or passage to be raised, or

(c) require such paving lo be kepi in proper repair.

299. The Municipal Commissioner may, i f he considers accessary so lo do, require the occupier, instead of llie owner, of any premises to carry oul any work which might otherwise be required to be carried oul by such owner under lhe provisions of Ihis Act and thereupon such occupier shall be bound to carry oul such work:

Power of Municipal Coinini«if>i kT to require occupier to carry oul work.

Provided that except in die case or aiiy special agreement to thu contrary, such occupier may dcducl the amouni or (he expenses reasonably incurred or paid by him in respeci of such work rrom any rent payable lo the owner or may recover the same from liini by an order of a court or competent jurisdiction, '

300. (1) The Municipal Commisioner may construct and maintain such drains Tor the drainage or huts as he may consider necessary.

Drains for huts.

'*See* foot-note *1* on page 573. finri'.

(2) Notwithstanding [he provisions of sub-section (1), if the Municipal Commissioner considers that u new drain should be constructed for the benefit of occupants of any hut, he may, by a written notice require the owner «r the land on which such hut stands to construct such drain; and such owner shall construct such drain and shall maintain and, from lime to lime, cleanse and repair such drain lo the satisfaction of the Municipal Commissioner.

(3) Not withstanding the provisions of sub-section (1) or .sub-scction (2), any statutory auhority may, subjeel loihe provisions of the Wesl Bengal Slum Areas {Improvement and Clearance) Aci, 1972, construct or maintain drains and sewers and connect such drains or sewer wilh a municipal drain.

West Ben. Acl X of 1972.

301. **Subjeel lo the provisions of lhis Act and the regulations made thereunder and of any oilier law for the lime being in force, ilie occupier of any trade premises may, wilh the consenL of lhe Municipal Commissioner or, so far as may be permitted by this Act or the regulations made thereunder or any other law Tor the lime being in force, wilhoul such consent, discharge into ilie municipal drains any trade effluent proceeding from those premises.**

Spt-'chil provisions relating lo Iradc effluent,

302. **Notwithstanding anything contained in thisAci or Lhe regulations made thereunder or any usage, custom or agreement, where in lhe opinion of the Municipal Commissioner any trade premises are wilhoul sufficient means nf effectual drainage of irade effluent or the drains thereof, though otherwise unobjectionable, are nut adopted Lo Lhe general drainage system of 'f Kolkata], Ihe Municipal Cummissionermay by written notice require the owner or occupier of stieh premises—**

Special provisions **regarding** drainage of **trade** effluents*

{a) lo discharge the Irade effluent in such manner, at such times, through such drains and subjeel lo such conditions as may be specified in the notice and to cease lo discharge ihc trade effluent otherwise than in accordance wilh the noiice; {b) to purify ihe trade efffluent before its discharge imo a municipal drain and to sel up Tor purifying the trade effluent such appliances, apparatus, fillings and pi an I as may be specified in the notice;

(c) io construct a drain of such material, size and description and laid at such level and according to such alignment and with such Tall and outlet as may be specified in the noiice; {d) lo alter, amend, repair or renovate any purification planl, existing drains, apparatus, plant-lilting or article used in connection wilh ;my municipal or house-drain.

foot-note 2 on p-igc: 573. *mile.*

Certain m;uicrs nol *to be passed* into municipal drains.

303. No person shall throw, empty, or turn into any municipal drain or into any drain communicating with a municipal drain—

(a) any mutter likely lo injure lhe drain or lo interfere wilh ihc free flow of its contents or loaded prejudicially ilie treatment and disposal of its contents; or

(b) any chemical, refuse or waste steam, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or waste steam which, or liquid which when so heated, is either alone or, in combination wilh the contents of lhe drain, dangerous, or the cause of a nuisance, or prejudicial lo health; or

30 of 1934.

(c) any dangerous petroleum.

Explanation.—**For the purpose of this scction, lhe expression "dangerous petroleum" shall have the same meaning as in the Petroleum Acl, 1934.**

Power of Municipal Commlb-iioncr lo affix shafts, clc., or ventila-tion of drain or ccsspool,

304. For lhe purpose of ventilating any drain or cesspool, whether vesled in the Corporation or nol, the Municipal Commissioner may, in accordance wilh such regulations as may be made by lhe Corporaiion in lhis behalf, erect upon any premises or affix lo the oulsideofany building or lo any iree any such shaft or pipe as may appear lo him to be neccssary.

Obligation of owners of drains [o allow use or joint ownership lo others.

305. Every owner of a drain connected wilh a municipal drain or other place legally set apari for lhe discharge of drainage shall be bound lo allow the use of il lo others or lo admit other persons as joint owners thereof on such terms as may be determined uuder seclion 306.

Use of drain by a pcrMin oilier ih:in the owner.

306. (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 privale arrangement wilh lhe owner for permitting his use of the drain or may apply lo lhe Municipal Commissioner for authority to use such drain or to be declared joint owner thereof.

(2) Where lhe Municipal Commissioner is of opinion, whether on receipt of an application under sub-seciion (I) or otherwise, lhal lhe only or the most convenient means by which lhe owner or the occupier of any premises can cause lhe drain of such premises lo emply into a municipal drain is through a drain belonging to another person, the Municipal , Commissioner, after giving lhe owner of llic drain a reasonable opportunity of staling any objection iherelo, may, if no objection is raised or if any objcclion which is raised appears lo him invalid or insufficient, by an order in writing either aulhorisc lhe said owner or lhe occupier lo use the drain or declare him lo be a joint owner thereof on such conditions as lo

the payment of rent or compensation and as to connecting lhe drain of the said premises wiih the coiiiniunicaling drain and as to Lhe respective responsibilities or lhe parlies for maintaining, repairing, flushing, cleansing and emptying llie joint drain or otherwise as may appear to him equitable.

(3) Every such order bearing lhe signature of lhc Municipal Commissioner shall be a complete auihorily to the person in whose favour it is made or lo any agent or person employed by him Tor Litis purpose,

afier giving or tendering lo the owner of lhe drain the compensation or rent specified in the said order and otherwise fulfiling as fur as possible, the condiiions of the said order and after giving to the owner of the drain reasonable written noticc of his intention so to do, lo enter upon the land in which lhe said drain is situate with assistants and workmen al any time between sunrise and sunset and, subjeel to Lhe provisions of ihis AcL, to do all such things as may be necessary for—

(a) connecting lhe Iwo drains; or

(b) renewing, repairing or altering Lhe connection; or

(c) discharging any responsibility aiiacliing lo the person in whose favour Lhe Municipal Commissioner's order is made Tor maintaining, repairing, flushing, cleansing or emptying the joinl drain or any pan thereof.

(4) In executing any work under this seciion, as liLlie damage as possible shall be done, and lhe owner or Lhe occupier of lhc premises for the benefit of which lhe work is done shall—

(a) cause llie work to be executed with Lhc 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 olher conslruction opened, broken up or removed for Lhe purpose of executing the said works;

(c) pay compensation to any person who sustains damage by Lhe execution of lhe said work.

'[Poitcr of lhc Municipal Commissioner **id levy fees** far drain.ijc and icwiinigL-servicc. 1

307. ˙](1) The Municipal Commissioner may, alany lime, levy an annual Tee, for drainage and sewerage, al such rate, as may be fixed under the regulations made ihereunder. or as slaled in the budgci estimate referred to in sub-seclion (3) of seciion 131 in this behalf, on the owner or Lhe **occupier or lhe person responsible lo pay properly tax on any house or land.] (2) Any unpaid sum under this scclion shall be recoverable from lhe person concerned as an arrear or lax under this Act.**

COURT BOOK
EMPOWERING LEGAL CLARITY

LIX or IV80,]

(Pari K—Civic Services.—Chapter XVIII.—Drainage and Sewerage.— E. Position of Cesspnols and other filth ivceptacles.— Sections 308-j? 10.)

E. *Position of Cesspools and oilier filth receptacles*

Portion of cesspool.

308. (I) No person shall construct a cesspool—-

(a) beneath any pan of any building or within fifteen meters of any lank, reservoir, water-eonr.se or well; or

(b) upon any site or in any position in '[Kolkaia] which hits not been approved by lhe Municipal Commissioner; or

(c) upon any site or in any position oulside '[Kolkaia] which has noi been so approved and is situated wilhin ninety metres of any reservoir used for the storage of wholesome water to be supplied to '[Kolkata],

(2) The Municipal Commissioner may, al 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 lo fill it up wilh such maierial as may be approved by him.

No 1*1 fill meepucle (o be s inn led **within** fifteen metres of lank, well, water-course or reservoir.

309. (1) No person shall construct any house-drain, urina! or other receptacle, nol being a cesspool, for sewage or offensive mailer within fifteen meires of any tank, well or water-coursc or any reservoir for lhe siorage of water, unless lie 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 lank, well, watercourse or reservoir.

(2) The Municipal Commissioner may, at any lime by a wrilien noiice, require any person wilhin whose premises is situated, within fifteen metres of any tank, well, water-course or reservoir Tor lhe storage of water, any receptacle mentioned or referred lo in sub-section (1) Lo remove such receptacle.

(3) The provision of this section shall also apply to any such receptacle outside '[Kolkata] which is constructed or situated within fifteen meires of any reservoir used for lite storage of wholesome water to be supplied lo '[Kolkata],

310. Subject to the provisions of section 30S and such regulations as may be made by the Corporation in this behalf, the Municipal Commissioner may permit in any unsewered area lhe construction ofseptic tanks and sanitary privies and urinals conncetcd with such seplic tanks:

Constructio n or .septiu [links and sa Hilary privies and urinals in unsewered

Provided lhal no such permission shall be granted unless in the opinion of lhe Municipal Commissioner ihcfc is sufficient open space available for ihe site of such seplic lank:

Provided further lhal the Municipal Commissioner shall require that [here is adequate supply of waier in overhead reservoir constructed for the purpose lo flush lhe proposed privies and urinals.

'Arc fool-nolc *1* on page 573, *time.*

*(Pari V.—Civic Services.—Chapter XIX.—General Powers in relation to water supply, tlrainage and sewerage.—
Sections 311, 312.)*

CHAPTER XIX

General powers in relation to water-supply, drainage and sewarage

Right or mi ner of premises lo **place** pipes mid ilrtiins through land belonging lo other persons,

311. (1) If il appears to ihe Municipal Commissioner lhai lhe only or most convenient means of waler-stipply lo, and drainage or, any premises is by placing or carrying any pipe or drain over, under, along or across lhe immovable property of another person, the Municipal Commissioner, after giving 'he owner of llie immovable property a reasonable opportunity of staling any objection, may, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise (he owner or the occupicr of lhe premises io place or carry such pipe or drain over, under, along or across such immovable property in such manner as he may think Tit io allow.

(2) Upon lhe order in writing under sub-seciiou (1), lhe owner or lhe occupier or lhc premises may, after giving reasonable notice in writing of his intention so to do, enter upon the immovable property wiih assistants and workmen al any time between sunrise and sunset for lhe purpose of placing a pipe or drain over, under, along or across such immovable property or for the purpose of repairing lhe same.

(3) In respeel of Lhe execution of any work under ihis seciion, lhc person in whose favour the Municipal Commissioner's order is made shall be subject to lhe same restrictions and liabilities which are specified in sub-seclion (4) of section 306.

(4) If lhe owner of the immovable properly over, under, along or across which a pipe or drain has been placed or carried under this seciion whilst such immovable properly was nol built upon desires to crcct any building on such properly, the Municipal Commissioner shall, by noiicc in writing, require the owner of the premises lo close, remove or divert the pipe or drain in such manner as may be approved by him and lo fill in, reinstate and make good the immovable properly as in the pipe or drain had not been placed or carried over, under, along or across the same:

Provided thai no such requisition shall be made unless in the opinion of lhc Municipal Commissioner il is necessary or expedient for lhe construction or the proposed building or (he safe enjoyment thereof that the pipe or drain should be closed, removed or diverted.

Righls of user of properly for nquc duels, lines, etc.

312. (1) The Municipal Commissioner may placc and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, along or across any immovable properly, whether within or without the local limits of the Corporalion, without acquiring lhe same and may, at any lime for lhe 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 aqucducts. conduits or lines of mains or pipes or drains have been placed:

Provided that the Corporalion shall nol acquire any right other lhan a right or user in the properly 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 respeci of any property vested in the Union or under the control or management of the Central or the Slate Government or the railway administration or vested in any local authority save wiih the permission or the Central or the Stale Governmeni or railway administration or the local authority, as the case may be, and in accordance wiih the rules or the regulations made in this behalf

Provided thai the Municipal Commissioner may, without such permission, repair, renew or amend any existing works or which the character or position is nol to be altered, if such repair, renewal or amendment is urgently necessary in order Lo maintain without inlcrrupiion lhe supply of water, drainage or disposal of sewage or is such thai delay would be dangerous lo health, human life or property.

(3) In the exercise or the powers conferred upon him by ihis seciion, the Municipal Commissioner shall causc as Little damage and inconvenience as may be possible and shall make lull compensation for any damage or inconvenience caused by him.

Municipal Coinmiss Loner noi lo sanclion building phn **unlet* plan** relating (a waler supply clc.is in conformity wiih rules and **regulations.**

313. All building plans submitted to the Municipal Commissioner for sanction shall conform lo such rules or regulations as may be framed in this behalf relating lo water supply, drainage, privy and urinal accommodation wiihin ihe premises and sewerage, and no building plan shall be sanctioned by lhe Municipal Commissioner unless the same so conforms.

Power of inspection and examination.

314. (1) The Municipal Commissioner or any officer authorised by him in ihis behalf may—

(a) inspcci 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 mcLer for. supply of waler 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 olher work exlerior io a building or any portion of a building to be opened, hroken up or removed:

Provided lhal in ilie prosccuiion of any such inspection and examination as lillle damage as possible shall be done.

(2) Any ground or any portion oT any house-drain or oilier work exterior lo a building or any portion of a building opened under clausc (b) or sub-scction (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 lo be not in good order or condition or constructed in contravention of any or the provisions of this Act or any rules or regulations made thereunder or of any other taw 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 Hie existence of any of the circumstances referred to in clause (a) of sub- scclion (2), he may, within Hiiny days from the dale or inspection and examination, make a written representation lo—.

(a) the Municipal Commissioner, in cases where the inspection and examination is done by any officer of lhe Corporation other than the Municipal Commissioner,

(b) the Mayor, in other cuses,

and the decision of the Municipal Commissioner or the Mayor as the ease may be, shall be final.

315. When the result of such inspection and examination as aforesaid is as described in sub-section (2) of .section 314, the Municipal Commissioner may,— ,

Power of Municipal Commissioner lo require repairs, cic., io be made.

(a) by written noiice, require the owner or the premises or the several owners of ihe 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 Lhe same has been constructed, erected or sel up,—

(i) lo 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 Lo 1111 in, reinstate- and make good ground, building or thing opened, broken up or removed for the purpose of such inspection and examination; and

*(Pari V,—Civic Sen'ices.—Chapter XIX.-—General Powers in relation lo waler supply, drainage and sewerage,—
Sea ions 3J6, 317.)*

(b) without notice. close, fill up or demolish any drain by which sewage, offensive matter or polluted waler is carried ihrough, from, inlo or upon any premises in con Ira vein ion of any of Lhe provisions of lhis Acl, and may also, forthwith and without notice, clear, eleanse or open out any drain which is chokcd, blocked or in any way obstructed; and the expenses incurred by die Municipal Commissioner in so doing shall be paid by such owners or occupiers and shall be recoverable as an arrear of lax under this Act.

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316. (1) When under Ilie provisions of lhis Acl, any person may be required or is liable to execute any work, the Municipal Commissioner may, in accordance with the provisions of lhis Act and of any rules or regulations made in this behair, cause such work lo be executed after giving such person an opportunity of executing Lhe same within such lime as may be specified by him for lhis purpose.

Power or Municipal Com mist iurier lo CXCCl) If work after giving noiice lo ihe pcr>on liable.

(2) The expenses incurred or likely io be incurred by lhe Municipal Commissioner in the execuiion of any such work shall be payable by lhe said person unless the Mayor-in-Council directs the payment or such expenses oui of lhe Municipal Fund.

(3) The expenses referred to in sub-seciion (2) shall be recoverable from the person or persons liable therefor as an arrear of lax under this Aci.

317. (1) Without the wrilien permission of Ihc Municipal Commissioner, no building, wall or other structure shall be newly erected or no street, Iram track or railway shall be constructed over any water- main, drain or sewer or no underground duel, cablc or pipe shall be laid over or along such main, drain or sewer belonging io the Corporation:

Prohibition for any cons-truiriion over the waler-muins, municipal drains, etc.

Provided that lhe Municipal Commissioner may refuse such permission, subject lo prior approval or 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, lhe Municipal Commissioner may wilh lhe approval or 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 or tax or from the person committing the offence.

Proiubmon of crnnin ncis.

318. No person shall—

(a) wilfully obstruct any person acting under the authority of the Municipal Commissioner in setting out llic lines of any works or pull up or remove any pillar, post or stake fixed in llie ground for the purpose or setting oul lines or such work or deface or destroy any works made for the same purpose; or

(b) wilfully or negligently break, injure, turn on, open dose, shut off or otherwise interfere wiih any lock, cock, valve, pipe, meter or other work or apparatus belonging to lhe Corporation; or

(c) unlawfully obstruct lhe flow or, or flush, draw off or divert, or lake, water from any water work belonging lo the Corporation or any water-coursc by which any such waterwork is supplied; or

(d) unlawfully obstruct lhc flow of, or flush, draw off, divert or lake, sewage from any sewage work belonging 10 the Corporation or break or damage any electrical transmission line maintained by lhc Corporalion; or

(e) obstruct any officeror other employee of [he Corporation in llie discharge or his dulies under this Acl or refuse or wilfully neglect to furnish him wiih the means nccessary for ihe making of any entry, inspection, examination or enquiry thereunder in relation lo any waler or sewage work; or

(f) bathe in, at or upon any waterwork or wash or throw or cause to enter therein any anitnal or throw any rubbish, din or filth into any waterwork 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 lo lurn or be brought into any waterwork or do any olher act whereby the water in any waterwork is fouled or likely to be fouled; or

(g) in contravention of any of the provisions of this Acl in any way aller lhc fixing, disposition or position or, or construct, ereci, sel up, renew, rebuild, remove, obstruct, close, destroy, or change, any drain, ventilation shaft or pipe, cesspool, privy, urinal or balhing or washing place or any trap, covering or olher filling or appliance connected therewith: or

(h) make any encroachment upon or in any way injure or cause or permit lo be injured any drain, cesspool, house-gully, privy, latrine or urinal, or bathing or, washing place; or

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(i) drop, pass or place, or cause or permit io be dropped, passed or placed, into or in any drain any brick, stone, earth or ashes or any substance or mailer by which or by reason of [he quantity of which such drain is likely io 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 conveyanuc of which such drain was noi provided: or (k) cause or sufTcr lo be discharged into any druin from any factory, bakehouse, distillery, workshop or workplace 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 aflecl the drain or the disposal, by sale or otherwise, of the sewage conveyed alon« the drain or wiiich is, by reason of its temperature or otherwise, likely lo create [1] [public nuisance; or]

[2](l) keep any septic lank undrained so as to allow accumulation of effluence within the premises io which such seplic tank penains.

Maps of underground wmcrmain[1]., jupply pipes, drains, cit.

319. Subject to (he provision of section 349, ihc Municipal Commissioner shall cause to be maintained complete survey maps, drawings and descriptions of waier-supply mains, supply pipes, municipal drains, sewers, and connections thereto from all premises in Kolkaia],

Work [o be done by **licensed** plumber.

320. (1) No person other than a licensed plumber shall execute any work relating lo house connection described in Chapter XVII or Chapier XVIII or Chapter XIX and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in [he opinion of [he Municipal Commissioner, the work is of a trivial naiure, lie may grant permission in writing for ihc execution of such work by a person other than a licensed plumber.

(2) Every person who employs a lieensed plumber to execute any work shall, when so .required, furnish lo the Municipal Commissioner the name of sueh plumber.

(3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable lo be dismantled av the discretion of lhe Municipal Commissioner without prejudice to die right of ihe Corporaiion to prosecute under lhis Act the person at whose instanec such work has been executed.

'The words wilhin Ihc sqj:ire brackets were substituted for lhe: words '"public nuisance." by s. 26(1) or ihe Cnlcuiln Municipal Corporaiion (Amendment) Acl, 1997 (Wcsl Hen. Act XXVI of 1997).

ÅClause (1) w;is inserted hy s. 26 (2), *ibid 'See* foot nolc 2 on page 573, and-.

(Purl V.—Civic Sen-ices—Chapter XIX.—General Powers in relation to water supply, drainage and sewerage.—Section 32 J.—Chapter XX.—Solid —A. Functions in relation to solid wastes.—Section 322.)

(4) The Corporation may make regulations for the guidance of licensed plumbers and a copy of all such regulaiions shall be available for sale at the Corporation.

(5) The Corporation may, from lime to time, speciFy lhe chargcs to be paid to licensed plumbers for any work done by them under or Tor any of lhe 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 receivc more lhan the charges specified therefor under that sub-section,

(7) The Corporation shall by regulations provide for—

(a) lhc exercise of adequate control on all licensed plumbers;

(b) the inspection of all works earned 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 chargcs made, by a licensed plumber,

(8) No licensed plumber shall contravene any of the regulations made under this section or cxccute carelessly or negligently any work under this Acl or make use of bad materials, appliances or fittings.

(9) ir 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. ,

Rules as [o drainage, sewemge. cesspools, privies unit urinals.

321. Save as otherwise provided in seciion 260, the Municipal Water- supply, Sewerage and Drainage Code shall include such regulations as may be made by lhe Corporalion from lime io lime Concerning the construction, maintenance, repair and alteration of drains, privies and urinals, cesspools and all appurtenances thereof and any other matter covcred by Chapter XVII or Chapter XVIII or Chapter XIX,

CHAPTER XX

Solid Wastes

A. *Functions in relation to solid wastes*

Coiiuciiun. **322. For the purpose of securing lhe efficient scavenging and cleansing disposal or^ ^ [a]" streets, public places and premises in '[Kolkata], the Corporation iolid** wastes, **shall undertake the functions of collection, removal and disposal of solid wasles.**

'*See* tool-note 2 on page 573, *ante.*

Provision for receptacles, depots .ind 111.! v ii[1]- fur temporary deposit.

323. (1) The Corporaiion shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit of—

(a) rubbish;

(b) offensive mailer;

(c) trade refuse;

(d) carcasses of dead animals;

(e) cxcrementitious and polluted matter.

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(2) Different receptacles, depots or places may be provided or appointed for the temporary deposit of any of the matters specified in sub-section (l).

324. (I) The Corporation shall provide vehicles or other suitable means and where necessary covered vehicles or vesslcs for Lhe removal of solid wastes.

Provision of vchides or other suitable means for rent oval of solid wastes.

325. The Mayor-in-Council may cause the solid wastes to be disposed of at such place or places within or outside '[KolkalaJ and in such manner as il considers suitable;

Provided that no place, which has not been before lhe commencement of this Act used for the purpose specified in this seclion, shall be used except in conformity wilh the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979 and without the approval of lhe Corporation;

West Ben. Aci Xlll of 1979.

Provided further that the solid wastes shall not be finally disposed of in any manner in which lhe same have not hcreLobelbrc been so disposed of without the sanction of the Corporaiion or in any manner which the State Government may think fil lo disallow.

Appointment of places far disposal **and Final** disposal **SOlid V. -L\'** Corporation.

326, All matters deposited in public receptacles, depols and places provided or appointed by the Corporation and all solid wastes collected shall be lhe properly of the Corporation.

'See fool-notc *2* on page 573. mirt.

(Pan V.—Civic Sciviccs.—Chapter XX.—Solid IKii'ft'i.-— A-Functions in relation to solid wastes.—Sections 327-331.)

327. The Corporation may, for llie purpose of receiving, storing, treating, processing and disposing solid wasles or converting such solid wasles into compost or olher mailer, construct, acquire, operale, maintain, develop, and manage any work wiihin or outside'[Kolkata] and run il oil a commercial basis.

328. The Mayor-in-Council may. subject lo lhe regulations made in this behalf, cause to be utilized solid wastes for filling up any well, lank or low land and perform this function on a commercial basis within or outside '[Kolkata].

329, Subject io the other provisions or this Chapter, the Municipal Commissioner shall perform all the functions and manage all lhc placcs or works related to collection, removal and disposal of solid wastes accumulating in '[Kolkaia].

Provision or **means for practising** of solid

330. (1) The Municipal Commissioner shall lake measures Tor securing—

(a) the daily surface-cleansing of all streets in '[Kolkata] and removal of sweepi ng therefrom;

(b) the removal of lhc contents of all receptacles and depots and of the accumulations at all placcs provided or appointed by lhe Corporation under the provisions of ihis Aci for the temporary deposit of rubbish, trade refuse, carcasses of dead animals and cxcrcmenlilious and polluted mailer;

Solid wasles may be used for Ijnd filling.

(c) the removal or spcciul wasles and hazardous wastes and oilier solid wastes from premises.

Solid w.isic **manu^mcni ,**

(2) The Municipal Commissioner may, by public notice, issue directions as lo the lime at which, the manner in which, and lhe conditions subject to which, any matter referred to in sub-sec lion (I) may be removed along a street or may be deposited or otherwise disposed of.

Muniripnl Qjinmivnoner lo provide for ek-jnsing or slrrcis jnd removal ur solid **wastes.**

(3) The Municipal Commissioner shall make adequate provision for preventing, receptacles, depots, places, vehicles and vessels referred lo in Hi is Chapter from becoming sources of nuisance.

Spccial saniuiry **arrang ement** m ccrlain placcs.

331. (1) The Municipal Commissioner may make such special arrangements, whether permanent or temporary, as he considers adequate from maintaining sanitation in the vicinity of any placc of religious worship or institutions or places lo which large numbers of persons reson on particular occasions or in any place used for holding fairs, festivals, sports or cultural or social events.

'itv foal-nulc 2 on page 573, *awe.*

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(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 lime lo lime determine.

B. *Collection and removal of solid wastes*

332. Il shall be the duly of lhe owners or the occupiers, as the case may be, of all premises—

Duties of owners and occupiers lo I'OKIA:; and deposit rubbish, ctc.

(a) lo have lhe premises swepi and eleaned;

(h) to causc all rubbish and offensive mailers to be collccled from their respective premises and to be deposited, at such lime as lhe Municipal Commissioner by public notice specifies, in public ruceptaclcs, depots or places provided or appointed by lhe Corporaiion or in receplacles provided under clause (c) for the temporary deposit or final disposal thereof;

(c) to provide receplacles of lhe type and in the manner specified by ihc Municipal Commissioner Tor ihc collection therein or all rubbish and offensive matters from such premises and to keep such receplacles in good condition and repair.

'{d) lhe Municipal Commissioner may levy, on the owner or the occupier of any premises, administrative charges or special cleansing service charges for sweeping, cleansing of lhe premises, and for collecting and final disposal of the rubbish and offensive mailers, at such rales, as the Mayor- in Council may determine from time to Lime. Any unpaid sum under this scclion shall be recoverable from the person concerned as an arrear lax under iliis Act,

333. The Municipal Commissioner may ir **he Ihinks fit,—**

Removal of solid lAMMCS iicaimu- lnied on ncm- **rcMdeniuil premises.**

(a) by written noiice, require lhe owner or ihc occupier of any premises used—

(i) as factory, workshop or Tor carrying on any manufacture, or

(ii) as a irade 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

'Clause (d) was inserted by s. L3 of die Calculla Municipal CorporjHon {Amendmem) Acl. 2001 (Wesl I3cn, Acl VIII 052001).

(v) as a warehouse or godown, or

(vi) as a placc lo which large number of persons resort, or

(vii) in any other way,

where rubbish, offensive matter, filth, trade refuse, special wasles, hazardous wastes or cxcrcmcniitious, and polluted matters arc 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 (he notice io a depot or place provided or appointed by the Corporation, or (b) after giving such owner or occupier noiicc of his intention, cause all rubbish including building rubbish, offensive matter, trade refuse,

special wasles, hazardous wastes or excremenliiious and polluted mailer accumulated in such premises to be removed, and charge Lhc said owner or occupicr for such removal such fee us may, subject to the rates determined by the Mayor-in-Council, be specified in the notice issued under clause (a):

Provided lhat no rate shall be less lhan such unil cost of removal of solid wastes (including lhe cost for debt servicing, depreciation and other charges, if any, or vehicles or vessels or means for removal) as the Mayor- in-Council may determine from time to lime, or

(cj by written nolice, require llie owner or Lhe occupicr of any premises referred lo in clause (a) to provide receptacles or trailers or other means on such premises constructed from such materials and of lhe type and in the manner specified by lhe Municipal Commissioner for the collection therein of all rubbish including building rubbish,

offensive matter, filth, trade refuse, special wastes, hazardous wasles or cxcrcmcniitious and polluted mailers accumulating in the premises,

'(d) by public nolice require any person carrying on any trade or business in a manner lhat accumulates rubbish, offensive matter, filth,

trade refuse, special wastes, hazardous wastes or cxcrcmenlilious and polluted matters, io pay such cosis for removal or the same as lhe Corporation may incur in this regard and as determined by the Mayor- in-Council from time lo lime.

Temporary deposit or rubbish, clc., in o and removal i hereof.

334. (L) Any land that may be required in any *busiee* **for temporary deposit of rubbish, offensive matters, sewage or carcasses of animals accumulating in such** *bustee* **shall be provided by lhe owner of such** *bus tee.*

'Clause (d) was insenoJ by 5. 14 of llic Cnkulla Municipal Corporation (Am end mint) Acl. 1988 (Wesl Den. Aci XXI of 1988).

(2) Thi* Corporation or any oliier statutory authority may subjeel io [he provisions oI" ihc Wcsl Denial Slum Areas (Improvement and Clearance) Aci, 1972, provide ir. proper and convenient situations public receptacles, depots and places Tor the temporary deposit or rubbish, offensive mailers, sewage or carcasses of animals accumulating in

Weil Hen. Acrl X of 1972.

bus ie vs.

(3) Jt shall be lhe duly of lhe owners or lhe occupiers, as the ease may be, of all mils—

" (a) to have the huts swept and cleaned,

(b) io cause all rubbish including building rubbish, offensive mailers, sewage or carcasses of animals to be Collected from [heir respective huts and to be deposited in the public receptacles, depots, and pluccs provided under sub-scciion (2) at such lime as lhe Municipal Commissioner by public notice specifies.

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335. When the Municipal Commissioner has given public noticc of his intention to provide in a certain portion of^KolkaiaJ for the colleciion, removal and disposal by the employees or contractors of lhe Corporation of all excremenlilious and polluted mailers from privies, urinals and cesspools, il shall be lawful for the Municipal Commissioner to lake measures Tor ihc daily collection, removal and disposal of such matters from all premises situated in the said portion of '[Kolkata] :

Collection and removal of fillli ami polluted **nia tier**

Provided that in areas where Lhe sewers have been laid, the Municipal Commissioner may, in accordance wilh such scheme as may be prepared for sudi purpose or otherwise, require lhe 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 wilh the orders of the Municipal Commissioner. '

C. *General provisions in relation to solid wastes*

336. (1) No person shall deposit or cause orpermii lo be deposited or throw upon or along any public street, public place, land belonging lo the Corporation or any unoccupied land or on the bank of a water-course any solid waste except in accordance wilh the provisions of lhis Acl.

Prohibition **against** deposit of solid v. :istcs.

(2) Wilhoul prejudice to the generaliiy of the foregoing provision, no person shall deposit or cause or permii 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 lhe-.Municipal Commissioner:

'See foot-note *2* on pagi; 573. *ante.*

Provided lhai no permission shall be given until an advance payment of a fee for ihe removal by [lie employees or contractors or lhc Corporalion of such rubbish has been made in accordance wiih such rales as may be determined by lhe Mayor-in-Council from lime lo lime:

Provided further lhai iT (he Municipal Commissioner thinks fit, he may, for reasons lo be recorded, refuse to give such permission.

Presumption ;ls to oft'ender.

337. If any rubbish, offensive mailer, trade refuse, spccial waste, hazardous waste or cxcrcmcniitious and polluted mailer accumulating on any premises is deposited in any place in contravention or Lhe provisions of ihis Aci, il shall be presumed, unless the contrary is proved, (hai such contravention has been committed by the occupier of such premises.

Depositing or throwing nny solid **WJMC** in conlmvcniioii or ihe provisions or iii is Acl,

338. Whoever '[deposits] or throws or causes or permiis to be deposited or thrown any solid waste on any place in contravention of lhc provisions of this Act shall, subject io such regulations as may be made in this behalf, be punishable with line which shall nol be less than fifty rupees and more lhan five thousand rupees for each such offcncc.

Municipal Commi-ssioner's **power u> ^i'l** placcs scavenged and dcanscd.

339. If any street or public place under the control of Governmeni or any statu lory body, or any premises to which large number or persons resort Lo, is not properly or regularly scavenged or is, in the opinion or lhe Municipal Commissioner, in a filihy and unwholesome condition, lhe Municipal Commissioner may, by written noiicc, require the owner or the occupier to do the scavenging or cleansing or may cause scavenging or cleansing lo be done and lhe cosi or such scavenging or cleansing shall be recovered from the owner or the occupier thereof.

Municipal Commissioner not lo sanction building plan in ccn.iin eases except in conformity wiih regulations for solid w;isics.

340. (I) The Corporation may by regulations determine any class or classes of buildings in lhe cases of which Lhe Municipal Commissioner shall nol sanclion any building plan except in conformity with the regulations framed by the Corporation for construction on lhe premises of receptacles for temporary deposit of solid wasles.

(2) The Corporation may by regulations determine the types, materials of construction or designs on the basis of which such receptacles, trailers or olher means for removal or solid wastes may be constructed and where these may be located in any premises, and lhe person applying for sanclion of building plan shall be bound Lo construct lhe same accordingly.

'Thtf word sviihin lhc .square bracked was substituted for llic word "deposit" by s. 32 of the Calculla Municipal Corporation (Second Amendment] Aci. 1984 (West Ben- Acl Xlll of 1984).

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(3) Without prejudice to the general it)[17] uf (he 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 die Factories Act, 1948, or

63 of 194K, **(e) buildings with a height of IS metres or more.**

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Power lo in spixi premises for **s:i.n'n:y** purposes,

341. The Municipal Commissioner may inspect wilhin sunrise or sunset any premises for Lhe purpose of ascertaining compliance wilh the provisions of this chapter,

Noticc to be given by mcthur. clc. before, with-drawing from work.

342. Notwithstanding anything Lo 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 Lhe permission of the Municipal Commissioner, withdraw from his duties.

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[i] *See* Tool-note 2 on pn?c 573, *ante.*

342A. On the coming into force of the West Bengal Fire Services Act, 1950, in any area within the jurisdiction of the Corporaiion, the Corporation shall, in consultation wilh the Director of Fire Services or any officer authorised by him in this behalf by-general or special order, require the owner or Lhe occupier of all or any of the premises in such area lo make, or to carry, such arrangements as may be necessary for fire prevention and lire safety in such area.

Explanation.—**"Director of Fire Services" shall mean the Director of Fire Services referred lo in clause (e) of scclion 2 of the Wcsl Bengal Fire Services Acl, 1950.**

'Chapier XXA was inserted by s, 15 of the Calcutta Municipal Carporuliun (Amendment) Acl, 19% (WV.sl Gen. Act VI of 1 Wfi).

COURT BOOK
EMPOWERING LEGAL CLARITY

Wcsl Ben, Acl XVI1J
of 1950,

Arrange mem
for fire
prevention Ĭ nil
fire safely.

PART VI

TOWN PLANNING, LAND AND LAND USE CONTKOLS CHAPTER XXI Streets and public places A.

Public streets, clc.

COURT BOOK

Voiing or public sirixLs, **squares,** parks nrni gardens in llic Corpq- **niiitm.**

343. (I) All public streets, squares, parks and gardens in '[Kolkaia] including the soil, subsoil, side-drains, Toolpallis. pavements, siones and oilier materials, and all erections, materials, implements, trees and other things provided therein shall VCM in the Corporation:

Provided tliat no public street, square, park or garden which immediately before the commencement of this Act vested in Lhe Government, the Board of Trustees for the Port of '[KolkataJ, or ihe Board or Trustees for the Improvement of '[Kolkata] shall, unless so directed by the authority competent to take a.decision in ihis behalf, vest in the Corporation by virtue of this sub-section.

(2) The Slate Government may by noiificaiion transfer lo or lake over from lhe Corporation for a limited period for ihe purpose or proper maintenance or development any public street, square, park or garden,

(3) The Corporation shall I rails fer to lhe Board of Trustees for the Improvement of '[KolkaiaJ or Lo any olher statutory body such public sireel, square or other land as the provisions ofsection 54 of ihe'LKolkataj Improvement Acl, 1911 require or as the Slate Governmeni may direct, as the case may be.

(4) Any street laid out or altered by the Board of Trustees for lhe Improvement of '[Kolkata] or by any olher statutory body shall vest or revest in the Corporation in acccrdanec wiLh Lhe provisions of seciion 65 of did '[Kolkata] Improvement Acl, 1911 or if so directed by the State Governmeni, in such olher statutory body, as the case may be.

Ben. Aci V of IDII,

(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 Corporalion or in such olher staiuiory bodies.

(6) The Corporalion may publish in such form and in such manner as may be prescribed the contents of sucli register for sale to the public.

(Part VI.—Town PI a lining. Land and Land Use Controls.—
Chapter XXI.—Streets and public places.—
A. Public streets, etc.—Sections 344, 345.)

344. (1) All public streets, squares, parks, and gardens vested in the functions or , , , _ , . , . , Ă
llic Municipal
Corporation snail oc under lhc control of the Municipal Commissioner Cmrumv-ioiHT
and he shall cause the same Lo be maintained, controlled and regulated
in accordance wiih llie provisions of this Act and the rules and lhe sirccis, cic.
regulations made thereunder.

(2) The Municipal Commissioner shall, from lime to time, cause ali public streets vested in the Corporation lo be levelled, metalled or paved, channelled, altered or repaired, and may widen, extend or otherwise improve any such street or cause lhe soil thereof to be raised,
lowered or altered or may place and repair fences and posts for the safely of pcdcsirians.

(3) The Municipal Commissioner shall, from time to lime, cause various items of street fijrniuire including guard rails, traffic lights and traffic signs, sireel markings, median .stripes and such other items Lo be installed or done on public sireels vesting in the Corporation and shall cause lhe same lobe maintained so as lo ensure pub lie safely, convenience and expeditious movement of traffic, including pedestrian traffic.

345. (1) The Mayor-in-Council shall constitute a Municipal Sireels Municipal **Technical Committee with the Municipal Commissioner as its Chairman Technical and another officer of (he Corporalion as its convener.** Commiuce.

(2) In addition to the Chairman and the convener, (he Committee shall have five other members of whom—

(a) one shall be a nominee or lhc '[Kolkaia] Metropolitan Development Authority,

(b) one shall be a nominee of Lhe Commissioner or Police, '[Kolkaia], and

(c) three shall be nominated by the State Government from the concerned departments of the State Government or statutory bodies.

(3) The Commiuce shall meet at least once in a month.

(4) The Committee shall, in order to secure the expeditious, convenient and sare movement or traffic, including pedestrian traffic, and suitable and adequaie parking facilities on and off lhe 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 localily affected, and

■ **[Wcsl Ben. Acl**

(Fari VI.₅ Town Planning, Land and Land Use Controls.—
Chapter XXI.—Streets ami public places.—
A. Public streets, etc.—Section 345.)

(c) any other relevant mailer referred to il by lhe Mayor-in-

Council,

aid, advise and assist (he Mayor-in-Council in the following mailers:—

(i) classification of public streets,

(ii) prescription of regular line of slreel,

(iii) regulation of abutting land uses,

(iv) designation of on-slreel parking areas,

(v) allocation of rights of way for underground utilities,

(vi) placement or street furniture,

(vii) placement of authorized fixtures on streels, such as electric and telegraph poles, post boxes, telephone junction boxes, sheds for trams and buses, milk booths,

and ihc like,

(viii) opening of new public streets,

(ix) permanent closure of existing public streets, and

(x) any other mailer lhal may be referred to it by the Mayor-in-Council.

(5) The Committee shall, while making any recommendation Lo the Mayor-in-Council on any mailer conform to the development plan or lhe development scheme prepared by any competent authority under any other law in force for ihc lime being and shall take into account such plans, proposals, surveys, studies and supporting technical data on such mailer as might be in lhe possession of ihc Corporation or the '[Kolkaia] Metropolitan Development Authority or the Commissioner of Police, '[Kolkata] or any department of the Slale Government or any such competent authority:

Provided that nothing in this section shall be deemed to limit the power of the Corporation lo 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 Commiliee may call Tor any paper, document, map or data from the Corporation or the '[Kolkaia] Metropolitan Development Authority or Ihe Commissioner of Police, '[Kolkaia] or any department of the State Government or any competent authority and thereupon it shall be its or his duly lo comply with such requisition.

LIX or iyso.j

(Pari VI.—-Town Planning, Land atid Land Use Controls— Chapier XXI.—Streets and public places.— A. Public streets, etc.—Section 346.)

(7) The Mayor-in-Council shall consider Ihc recommendations of Lhe CommiLLee and lake such decision thereon as it thinks fit afler taking inlo account plans, proposals, surveys, studies, schcmcs and programmes, if any, referred lo in sub-section (5).

(8) If any doubt arises as lo whether ill e decision taken under sub-section (7) is in conflict with any plan, scheme or programme of any competent authority under any oiher law in force for Lhe time being, lhe matter shall be referred to Lhe State Government whose decision shall be final.

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EMPOWERING LEGAL CLARITY

Classification or public sircels.

346. (i} The Mayor-in-Council shall classify all public streets in '[Kolkaia] 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) caiegory IV—local roads,

(e) caiegory V—pedestrian pathways, and

(f) category VI—footpaths.

(2) The classification shall be done wilh due regard to the Lraffic role of the particular public street and lhe nature and volume of traffic on il, its existing width, and abutting land uses:

Provided Lhal the different names of public streets which essentially constitute parts of a continuous traffic corridor shall not come in Lhe way of their placement in any particular category.

(3) The Mayor-in-Council shall, from time to lime, 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 Lhal the minimum width of any public street Tailing 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 categoij V, not less than six metres:

Provided further that such minimum widths may be revised by the Mayor-in-Council at an interval of noi less than five years.

(4) The classification of lhe public streets in different categories may be revised from lime Lo time.

(Pan VI.—Town Planning, Land ancl IMIUI Use Com mis.- Chapter XXL—Streets and public places.— A Public sireels, elc.—Seel ions 347-349.)

347. (I) Notwithstanding their present availability, the Corporalion shall ensure wiihin a reasonable lime and subjeel lo the availability of resources thai nil public sireels under calegory 1, category II and category III have raised footpaths adjoining the same.

(2) Notwithstanding lhc existing situation, lhe Mayor-in-Council shall specify

different minimum widths for footpaths, which are adjacent to the public streets under category I, calegory II and calegory HI so as noL lo be less than 1.5 metres on each side in any ease;

Provided lhat more than one minimum width may be specified for lhe fooipaih abutting cach calegory of public sirce; so as to provide for different requirements owing lo different abutting laud uses:

Compulsory provision or IVxilpullis.

Provided further thai while prescribing or revising any regular line of a public street, it shall be stipulated thai lhe 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.

Righls of way for underground utilities.

348. Subject lo the provisions of the Indian Telegraph Act, 1885, **the Indian Elecricity Acl,** 1910, **the '[Kolkata] Metropolitan Water and Sanitation Authority Act.** *1966,* **the Metro Railways (Construction of Works) Act.** 1978 **and such other Act as may be notified by the State Government Tor the purpose of this section, the Slate Governmeni may by rules provide for the following:— "**

13 or IS85. 9 of 1910, Wcsl Ben. Acl Xlll of 1%6. 33 or 197S.

(a) lhe sanction by the Mayor-in-Council of specific rights of way in the subsoil 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 licensee under any of [he abovemcntioned Acts;

(b) lhc levy of any fee or charges permissible under any of the abovememioiied Acts;

(c) the furnishing io the Corporalion of maps, drawings and Kiaiemenis which shall enable i[to compile and maintain precise records of lhe placement of the underground utilities in '[Kolkaia],

Maps of underground utilities.

349. The Municipal Commissioner shall be cause lo be maintained complete survey maps, drawings, and descriptions of all Lhc 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 llie Official Secreis Act, 1923.

19 of im

PirAvi to make new public strcei.s.

350. The Municipal Commissioner may, al any lime with lhe previous sanction or lhe Mayor-in-Council,—

(a) lay out and make new public streets, or

(b) consiruci bridges and subways, or

(c) [urn or divert any existing public sireei, or

(d) lay down and determine Lhe position and direction of a street or streets in any part of '[Kolkata], or

(e) declare any street, made and duly executed either under an improvement scheme in pursuance of the provisions of the '[Kolkata] Improvement Act, 1911 or by any other statutory body, lo be a public slreel.

Ben. Acl V of 191 1.

-(f) Define the regular line of a street or slreels.

351.

No new public street made under lhis Chapier shall be less than Minimum len meires in width, including the footpath:

widlli of new

Provided that a pedestrain pathway in a new colony planned by any statutory body and specifically approved by lhe Slale Government for the purpose of Lhis scclion may be six metres in width.

Power lo acquire lands ;ind buildings for public 5 [reels and for public parking **places.**

3s2. The Municipal Commissioner may, subject io the oiher provisions of this Acl,—

(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 wilh any building standing upon such land;

(b) acquire, in relation to any land or building as aforesaid, such land wilh building thereon outside lhe 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.

Permanent closure of public slreel. park, square or garden and disposal of land.

■'353. (1) The Municipal Commissioner may, wilh the previous sanction of the Mayor-in-Council, and subject lo the approval of lhe Slale Government, permanently or Lcmporarily close ihc whole or any part or a public street, park, square or garden in Lhe public interest or Tor the purpose of carrying out the provisions of this ACL: **[Wtsl B(jn. Act**

(Part Vi,—Town Planning, Land and Land Use Controls— Chapter XXI.—Streets and public places A. Public streets, etc.-—Sections 354, 355.)

Provided lhai the Municipal Commissioner shall give a public nolice of sucli closure by inserlion in al leasi three local newspapers and lhe notice shall specify lhe dale on and from which lhc closurc shall be etfecied.

(2) For the purpose of carrying out any development work in any public street, park, square or garden orany part thereof, such public street, park, square or garden or lhc pan thereof or lhe sub-soil thereunder may be dealt with or settled or transferred, as lhe case may be, either temporarily or permanently by way of grant of lease or licence, as Ihe case may be, and on such terms and conditions and Tor such period as the Municipal Commissioner may, with Lhe prior approval of Lhe Mayor-in-Council and subjeci Lo lhe approval of Lhe Siaic Government, determine and for such development work lhe public street, park, square or garden or any pan thereof may be closed temporarily or permanently, as the case may be, and in such case a public nolice shall be given in the same manner as in sub-section (I) specifying lhe dale from which the closurc shall be effected:

Provided lhat lhc 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 license.

Explanation.—**For the purposes of this seciion, "development work" shall include all works for development and improvement by way of proper and adequate or better utilisation, cither underground or on the surface, of a public sireel, park, square or garden.**

Temporary closure or publics! reel.

3S4. The Municipal Commissioner may temporarily close the whole or any part of a public street lo permit development and maintenance work, and may, subject to the condiiions determined by Lhc Mayor-in- Council, authorize such closure for other purposes for any period not exceeding a fortnight.

Closure of public street for parking purposes.

355. (1) The Municipal Commissioner may, subjeci to lhe recommendations of the Municipal Streets Technical Commiilee and with the prior approval of the Mayor-in-Council, close any portion of a public sireel and declare il as a fee parking area.

(2) Parking fees al different rates Tor different vehicles Tor different areas for different periods shall be levied at sueh rates as may be determined by Lhe Corporalion by regulations.

356. (1) The Municipal Commissioner may—

(a) pro hibit 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 lhe public or to ensure quietness in any locality;

Power lo prohibii use of public streets for ccnain kind of indie.

(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 oil Lhe ground of public convenience, except under such conditions as to Lime, mode or traction or locomotion, use of appliances Tor 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 M;tyor-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 lake action in any case without Lhe previous sanction of Lhe Mayor- in-Council.

(2) Any notice of prohibition under sub-seciion (!) shall, if such prohibition applies to any particular public street, be posted in conspicuous places aL or near both ends of such public street or any portion thereof LO which such prohibition applies or, if such prohibition applies generally Lo all public streets, be advertised.

B. *Regular tine of street*

357. (1) The Municipal Commissioner may, with due regard to the minimum widths prescribed for various categories of streets including lhe footpaths abutting the same, define lhe regular line on one or both sides of any public slreel or portions thereof in accordance wilh the rules and the regulations made in this behalf and may, wilh Lhe previous sanction of lhe Corporaiion, redefine at any lime any such regular line;

Defining regular line of a slreel.

Provided that, before redefining such regular line, the Corporaiion shall, by public noiice, afford a reasonable opportunity to lhe residents of premises abutting on such public street lo make suggestions or objections wilh respeci to the proposed redefinition and shall consider all sufch suggestions or objections which may be made within one month from the date of publication of such notice;

Provided further thai lhe sireel alignment of any public street operative under any law in any pari of '[KolkataJ immediately before lhe commencement of ihis Act shall be deemed lo be a regular line defined by the Municipal Commissioner under this sub-section.

(2) The line Tor the lime being defined or redefined shalj be called the regular line of lhe sireel.

(3) No person shall construct or reconstruct any building or a portion thereof or any boundary wall wiihin the regular line of a street.

(4) The Municipal Commissioner shall maintain a register, coiiiainiug such particulars as may be prescribed, with plans aiiached thereto showing all public streets in rcspeci or which lhc regular line of such streets lias been defined or redefined.

(5) All such registers shall be open lo inspection by any person on payment of sueh fee, and any extract therefrom may be supplied on payment of such charges, as may be determined by the Corporation by regulations.

■(6) Nol withstanding anything contained in the foregoing provisions of this section, the Corporation may, ir il considers expedient so to do,

canccl partly or wholly, or modify, the regular line of a public street after a period of len years from the date or defining lhc said regular line,

provided the object for which lhc said regular line was defined has not been completed wiihin Lhc said period;

Provided Lliat the Corporalion shall, before such cancellation or modification of such regular line, afford, by public nolice, a reasonable opportunity to the residents of the premises abutting on such public street Lo make suggestions or objections with respect io the proposed cancellation or modification of the regular line as aforesaid and shall consider all suggestions or objections which may be made wiihin one month fram lhe dale of publication of such notice.

Selling back 35^ n) |f any pari of a building abullins on a public street is within
building in , , /,[r] - - ,
regular ii$_{nc}$ the regular line of that sireel, lhe Municipal Commissioner may, whenever orwriKi. ii i$_{s}$ proposed—

(a) lo repair, rebuild or construct such building or to pull down such building Lo an exlenl measured in cubic meire exceeding one-ha If thereof above Ihe ground level, or

(b) lo repair, remove, construct or reconstruct or make any additions lo, or structural alterations of, any portion of such building which is wiihin the regular line of lhe street,

'y'SVt' fool-nole 2 on page 573, *tunc*.

-The sub-ieciian (6) was inserted by s. 27 of ihe Caleuld Municipal Corporalion (Amendmem) Acl. 1997 (Wcsl Ben. Act XXVI of (997).

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by an order as rcspecis [he additions LO or rebuilding, construction, repair or alterations of such building, require such building io be sel back (o 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 ihe Municipal Commissioner or otherwise, taken down, ihc Municipal Commissioner may forthwith take possession, oil behalf of the Corporaiion, of the portion of the land within the regular line or the street heretofore occupied by such building and, if necessary, clear the same.

(3) Lund acquired under this section shall be deemed Lo be a pan of the public street and shall vest in the Corporation.

Compulsory selling back or building lo regular line of slreel,

359, (L) Where any building or any pari thereof is wilhin lhe regular line of a public street and, in Ilie opinion of the Municipal Commissioner, it is neccssary to set back such building or part thereof lo ihc 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 lo sliow cause wilhin such period as may be specified in lhe noiice as to why such building or pari thereof which is wilhin the regular line of such street should not be pulled down and Lhe land wilhin the regular iine acquired by the Municipal Commissioner on behalf of lhe Corporaiion.

(2) If the owner fails to comply wilh the requirements of the notice under sub-seciion (I), ihc Municipal Commissioner may, wilh the approval of lhe Mayor-in-Council, pull down lhe building or pari ihereor and all expenses incurred in so doing shall be paid by Lhe owner and recoverable from him as an arrear of tax under Ihis Acl.

(3) The Municipal Commissioner shall, immedialely afler any building or pari thereof is pulled down under sub-section (2), take possession, on behalf of the Corporation, of the portion of the land wilhin the regular line of the street occupied by such building or pari thereof and such land shall thereupon be deemed lo be a part oT the public street and shall vest in lhe Corporation.

Selling forward or building lo regular line of slreel.

360. (I) If any building which abuts on a public street is in the rear of the regular line of such slreel, the Municipal Commissioner may. whenever it is proposed—

(a) io rebuild such building, or

(b) io alter or repair such building in such manner as will involve the removal or re-erection of such building, or portion thereof which abuts on such street, to an extent measured in cubic metre exceeding onc-Ualf 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 ihereoT, permit or, with the approval of the Mayor-in- Council, require such building to be set forward lo the regular line of such street,

(2) For the purposes ol" this seciion, a wall separating any premises from a public street shall be deemed to be building; and it shall be deemed io be a sufficient compliance with the permission or the requirement to set forward a building to lhe regular line of a street, if a wall of such materials and dimensions as are approved by the Municipal Commissioner is crccled along such line.

Acquisition of open hnd and land occu-pied by platforms, elc.. wiihin lhc regular line **ul - ucijl.**

361. If any land, whether open or enclosed, not veiled in the Corporalion and not occupied by any building, is wiihin the regular line of a public sireel or if any platform, verandah, step, compound wall, hedge or fence or some other structure, authorised or not, external to a building abutting on a public street or a portion of such platform, verandah, step, compound wall, hedge, fence or other structure is wiihin the regular line of such sireel, lhe Municipal Commissioner may, after giving the owner of such land or building nol less than thirty days, clear nolice of his intention so Lo do, take possession, on behalf of the Corporation, of such land with ils enclosing wall, hedge or fence, if any, or of such platform, verandah, step, compound wali, hedge, fence or other structure or of any portion thereof within the regular line of the public sireel and, if necessary, clear the same, and the land so acquired shall thereupon be deemed to be a part or the public street and shall vest in the Corporalion; ■

Provided Lhat where the land orthc building vests in the Government, the Municipal Commissioner shall not take possession thereof without the previous sanction of the Government.

Acquis! lion of remaining pan or buil-ding ami hind aftnrlhcir portions wiihin ihe regular line nFstreei have been acquired.

362. Where a land or building is partly wiihin the regular line of a public sireet and the Municipal Commissioner is satisfied that the land remaining after the excision of the portion wiihin such line will not be suitable or fit for any beneficial use, he shall, at the request or the owner, acquire such land in addition to the land wiihin such line and sueh surplus land shall vest in the Corporation and shall be used or disposed of for such development purpose as may be ordered by lhe Mayor-in-Council.

363. (1) Compensation shall be paid by Lhe Corporaiion lo the owner Lompcn- ot any building or land acquired lor a public slreel, square, park or paid, garden under lhe provisions of lhis Chapier:

Provided lhal any increase or decrease in lhe value of the remainder or [lie propeny, of which lhe building or lhe land so acquired formed pan, likely to accrue from lhe selling back lo lhe 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 lo lhe regular line of a public street, belongs lo llic Corporation, such order shall be a sufficient conveyance io the owner of such land; and the price Lo be paid to the Corporation by lhe owner for such additional laud and lhe other terms and conditions of ihc convcyancc shall be set forth in such order.

(3) The CorporaLion shall pay compensation in respect of land or building acquired under this Chapier at the following scale:—

(i) for land or building with annual value determined al an amount noi exceeding Rs. 3.000 in respect of the portion acquired	**.. Fifteen Limes the amounl of [he annual value;**
(ii) for land or building wilh annual value determined at an amounl exceeding Rs. 3,000 in respeel of lhe portion acquired	**.. Rs. 45,000 plus ten times the amounl of the annual value in excess of Rs. 3,000.**

C. *Private streets*

364. If lhe owner of any land utili/.es, sells, leases oui or otherwise disposes of such land or any portion or purl ions ihcreor as plois Tor lhe construction of buildings thereon, he shall lay down and make street or streets giving access to the plots inio which the land may be divided and connecting such street or streets with any existing public or private street,

Owner's "latea' sircci when building sim.

365. (1) Before utilizing, selling or otherwise disposing of any land under section 364, the owner thereof shall send to the Municipal Commissioner a wrilien application wilh a layout plan of the land showing the following particulars:—

Layout plnils

(a) lhe plots into which Lhe land is proposed to be divided for lhe erection of buildings thereon and the purpose or purposes for which such buildings are lo be used;

(b) the reservation or allotment of any site for any sireel, open space, park, recreation ground, school, markel or any oilier public purpose;

(c) lhe intended level, direction and widLh of sireel or streets, including footpaths;

(d) the regular line of street or sireels;

(e) lhe arrangements io be made for levelling, paving, mcialling, flagging, channelling, sewering, draining, conserving and lighting sircel or sireels,

(2) The provisions of ihis Aci and lhe rules and lhc regulations made thereunder as to the widlhs of public streets, including footpaths, and the height of buildings abutting thereon shall apply in the case of streets referred lo in sub-section (1), and all the particulars of a layout plan, referred to in lhat sub-seclion, shall be subject io the approval of the Mayor-in-Council.

(3) Within sixty days of rcceipl or any application under sub-seclion (1), the Mayor-in-Council shall either accord approval lo the layout plan on such conditions as il may think Tit or disallow il or ask for further information with respect to il,

(4) Such approval shall be refused,—

(a) if the particulars shown in the layout plan arc in conflict wiih any arrangements which have been made or which arc. in the opinion of Lhe Mayor-in-Council, likely io be made for carrying oul any general scheme of development of '[Kolkaia], whether or nol such schcmc is contained in lhe 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 AcL and Lhe rules and the regulations made Lhereunder; or

(e) if any sireel proposed in lhe layoui plan is nol so designed as Lo connect il 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 lhan in conformity with the orders or lhe Mayor-in-Council and, if further information is asked for, no step shall be laken to utilize, sell or otherwise deal with the land or io lay out or make the sireel until an order has been passed by Lhe Mayor-in-Council upon receipt of such information:

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Provided dial Hie passing of such order shall noi. in any case, be delayed for more than sixty days after lhe Mayor--in-Council has received such information as it considers necessary lo enable il io deal wilh the application.

(6) No sale deed shall be registered under any law for lhe lime being in force for any land governed by seclion 364 until the layout plans have been approved under this scclion and infrnsuuciural constructions thereunder completed up to a stage to lhe satisfaction of the Municipal Commissioner.

(7) The layout plan shall be prepared by a licensed town planner.

(8) The Municipal Commissioner may, from time lo time, gram lo any person a licence lo act ;is a town planner subjeel lo 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.

Alien lion or demolition of slreel made in breach of seclion 365.

366. (1) ir any person lays out or makes any slreel otherwise than in conformity with the provisions of seclion 365, llic Municipal Commissioner may, whether or nol such person is prosecuted under this Acl, by a written noiice,—

(a) require him io show cause, by a wrilien statement signed by him and sent to the Municipal Commissioner on or before such date as may be specified in lhe notice, why such street should nol he altered to lhe satisfaction of the Municipal Commissioner or if such alteration is impracticable, why such street should not be demolished; or

(b) ' require him to appear before ihe Municipal Commissioner either personally or by n duly authorized agent on such day and at such lime and place as may be specified in lhe noticc and show cause as aforesaid.

(2)]f any person on whom a noiice is served under sub-scclion (1) fails to show cause lo lhe satisfaction of the Municipal Commissioner why such slreel should nol be so altered or demolished, the Municipal Commissioner may pass an order directing the alteration or demolition of such slreel.

18Sce fool-note 2 on pujjc 573, tunc.

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(Pan VI—Town Planning, LatuI and Land Use Controls—
Chapter XXI,—Streets and public places.—C. Private streets.—
Sections 307, 36S.—D. Encroachments on streets.—Section 369.)

Levelling

367. (1) If any private street or pan Ihereor is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted streets.[19, 10 "le] satisfaction of the Municipal Commissioner, he may, by a written noiicc, require the owners of such street or part thereof and the ownecs of the lands and the buildings fronting or abutting on such street or pari thereof to carry oul any work which, in his opinion, may be necessary, and within such lime as may be specified in such notice.

(2) [f such work is not carried oul wiihin lhe lime specified in the notice, the Municipal Commissioner may, if he thinks fil, execute it and the expenses incurred shall be paid by the owners referred lo in sub- seclion (!) in such proportion as may be determined by the Municipal Commissioner and shall be recoverable from ihem as an arrcar of lax under ihis Acl.

COURT BOOK
DELIVERING LEGAL CLARITY

Right of owners to require streets to be declared public.

368. If any sireel has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under scclion 367, the Municipal Commissioner may, and, if the sireel is not less lhan six metres in width, on lhe requisition of a majority of the owners referred lo in sub-scclion (I) of that section, shall, declare such street Lo be a public street and [hereupon the street shall vest in the Corporation:

'Provided Lhat, where a private street has been in existence for not less than thirty years and is used by Lhe people of the locality as a thoroughfare, the Corporation may declare such sireel io be a public street even though it does not strictly comply with the provisions of this Chapter.

D. *Encroachments on streets*

Prohibition or projections upon sireels, clc.

369. (1) No person shall erect, set up, add to, or place against or in from of, any premises any strucLure 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 the public along, any street, or

(b) jut or projeel into, or encroach upon, any drain or open channel in any si reel so as to interfere with in any way the use or proper working of such drain or channel or Lo impede the inspection or cleansing thereof.

'Proviso was added by s, 15 or Ihe Calcutta Municipal Corporation (Amcnclmcnl) Acl, 1988 (Weil Ben. Acl XXI of I DBS).

COURT BOOK
EMPOWERING LEGAL CLARITY

(2) The Municipal Commissioner may, by a wrilien notice, require lhe owner or the occupier of any premises ID remove, or to take such other action us he may direct in relation to, any structure or fixture which lias been erected, set up, added lo, or plaecd againsL or in front of, such premises, in contravention of this section.

(3) If the occupier of such premises removes or alters any struclure or fixture in accordance with such noticc, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit to his account wilh ihe owner of such premises all reasonable expenses incurred by him in complying with the notice.

370. The Municipal Commissioner may, at Any time, by a written noiice, require the owner of any premises, on the ground floor of which any door, gale, bar or window opens outwards upon a slreel or upon any land required for the improvement oT a slreel 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, gale, bar or window altered so as nol lo open outwards.

Ground Jlonr duore, etc., JlOl 10 **open** uiwards on sirceis,

371. (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 ill or upon any street or upon or over any open channel, drain, well or tank in any street so as lo form an obstruction to, or an encroachment upon, or a projection over, or lo occupy, any ponion of such street, channel, drain, well or tank.

(2) Nothing in this scclion shall apply to any erection or thing to which clause (c) of sub-section (1) of section 377 applies.

Prohibition of si rue m res or fixtures which cause obstruction in street.

372. The Municipal Commissioner may. without noiice, cause to be removed—

(a) any wall, fence, rail, post, step, bouih or other structure or fixture which may be erccied or sel up in or upon any street, footpath or upon or over any open channci, drain, well or lank 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, auached, or suspended in, upon, from or io any place in coniravention of Ihe nrnvkinm ttii": Ar-p-

Pow er to remove **anything** c reeled, deposilcd of hawked in con inivcn Lion of ihis Acl.

(Pan VI.—Town Planning, Land and Land Use Controls—
Chapter XXI.—Sireels and public places.—
D. Encroachments on sireels.—See lions 373-375.)

(c) any article whatsoever hawked or exposed Tor sale in any public place or in any public street or footpath in contravention of the provisions of this Act and any vehicic,

package, box, board, shelf orany other thing ill oroii which such article is placed or kept Tor purpose of sale, display, or otherwise.

Powtir io require removal of any slniclure or fixture crcclcd or scl up be Tore ihe coming inlo Torcc nf Mxiion 371.

373. (1) The Municipal Commissioner may, by a written nolice, require lhe owner or the occupicr of any premises contiguous io or in front of or connected with any wall, fence, rail, post, slep, booth or oilier structure or fixture, [he ereclion or the selling up of which would be unlawful after the coming into force of scclion 371, to remove sueh wall, fence, rail, post, step, booth or olher structure or fixture, crceted or set up before the coming into force of that section,

(2) If in any case lhe ereclion or the setting up of any structure or fixture us aforesaid shall have been lawful, compensation shall be paid by the Municipal Commissioner io every person who sustains loss or damage by the removal or such structure or fixture.

374. (I) No person shall lelher any animal or cause or pennit any animal to be tethered in any public street.

Prohibi lion of icllicring of animal.[1]: jrui milking of callle.

(2) No person shall milk or cause or permil to be milked any cow or buffalo or olher animal in any street.

(3) Any animal telhered or any cow or buffalo or other animal found being milked as aforesaid in any sireel may be removed by lhe Municipal Commissioner or any officer or employee of the Corporation and impounded and dealt wiih under the provisions of the West Bengal Catlle Licensing Act, 1959,

375. (1) The Municipal Commissioner may granl a written permission for temporary ereclion cif 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 condiiions as may be determined by lhe Corporation by regulations, and for such period as may be mentioned in (he letter of permission:

West Ben, Aci I or 1959.

Temporary erccLions on sireels during festivals,

Provided tliul no permission shall be given under litis section without the concurrencc of the Commissioner of Police, '[Kolkau].

(2) The person to whom such permission is granted shall fill in lhe ground and reinstate lhe same lo lhe satisfaction of the Municipal Commissioner within such period as may be mentioned in the letter of permission, .

COURT BOOK
EMPOWERING LEGAL CLARITY

LIX of 1980.]

(Par! VI.—Town Planning, Land and Laiul Use Controls— Chapter XXI.—Streets and public places, —E, Provisions concerning executing of work in or near streets.—Sections 376, 377.)

E. *Provisions conccrning executing of work in or near streets*

376. (1) The Municipal Commissioner shall, so Tar as is praclicablc Pftuaulions during the construction or repair of any public street or any drain of ihc Corporation or any premises vested in the Corporation,—

(a) cause lhe same to be fenccd and guarded;

(b) take proper precautions against accident by shoring up and protecting the adjoining buildings;

(c) cause such bars, chains, or posis to be fixed across or in any slreel in which any such work of consiruciion or repair is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The Municipal Commissioner shall cause such street, drain or premises to be sufficiently lighted orprolected 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 lo 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 seclion.

377. (1) No person oLher than the Municipal Commissioner or an officcr or other employee of the Corporation shall, without the written permission of the Municipal Commissioner or without other lawful authority,—

Streets nol lo be opened or broken up and building materials nut io be deposited thereon wilhoui permission.

(a) open, break up, displace, take up or make any alteration in, or cause any injury to, lhe soil or pavement or any wall, fence, post, chain or other material or thing forming pun of any street; or

(b) deposit any building materials in any slreel; or

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatsoever, or any posts, bars, rails, boards or other Lhings by way oT an enclosure for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

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EMPOWERING LEGAL CLARITY

(Pari VI—Town Planning, Land and Land Use Controls— Chapter XXI.—Streets and public places.—E. Provisions concerning executing of work in or near sireels.—Sections 37S, 379.)

(2) Any permission granted under clause (b) or clausc (c) or subsection (1) may be terminated by the Municipal Commissioner after giving nol less than iwenly-Faur hours' written nolice 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 clausc (c) of sub-section (1), which has been deposited or set up in any street without any permission under ihni sub-section or which having been deposited or set up with such permission has not been removed before Lhc expiry of the period of notice issued under sub-section (2):

Provided Ihni nothing in this sub-seclion shall apply to any case under clause (b) or clause (c) of sub-section (I}, if in such case, an application for permission has been made with such fee as specified by Lhe Municipal Commissioner in ihis behalf" but no reply has been sent LO lhe applicant within seven days from the date of the application.

COURT BOOK
EMPOWERING LEGAL CLARITY

Pnccnulions **Tor** public safely ıɒ be inken by person5 lo whom permission **is granted** under seclkin 377.

378. (I) 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 Municipal Commissioner io be adequate, in advance, for carrying out llie work and restoring the street or pavement on which the work is carried oul lo ils original condition.

(2) Every person to whom any permission is gran led under scction 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 pluL-e to be well lighted during the night.

379, (I) Every person to whom permission is grained under section 377 lo open or break up lhe soil or pavement of any street or who, under olher lawful authority, opens or breaks up the soil or pavement of any street shall, with all convenient speed, complete the work Tor 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.

PciSOIIJt lo whom **pCTtfiiwi oji** is granted TTlllM rcinsiaic sireel, ctc.'

(2) If such person Fails ID reinstate and make good Lhe street as aforesaid, the Municipal Commissioner may restore such sLrcct, and [he expenses incurred by the Municipal Commissioner in so doing shall be paid by such person.

Municipal Commissioner may close sircct in which work is in pray cess.

380. (I) The Municipal Commissioner may, when any such work as aforesaid or any work, which may lawfully be executed in any slreel, is in progress, direct lhal such slreel shall be wholly or partially closed Lo traffic or Lo irftlic or such description as he may think fii, 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 slreel as he may thing proper for preventing or restricting the traffic therein.

(2) No person shall, wilhoul the permission of the Municipal Commissioner or wilhout any oiher lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

COURT BOOK
EMPOWERING LEGAL CLARITY

Municipal Commissioner [o provide for iraffiu, cle.. pending exccuiicui oT woik in nny sirea.

381. When the execution of any work is in progress in any streel, the Municipal Commissioner shall, so Tar as may be reasonably practicable, make adequate provisions for lhe passage or diversion of traffic, for securing access lo all premises approachcd from such streel, and for such drainage, water supply or means of lighting as may be interrupted by reason of the execution of such work.

Provisions lo be made by persons lo whom permission is granted for traffic, elc., when iheir works interrupt slreel-..

382. The Municipal Commissioner may, by a written noiice, require any preson, to whom permission is granted under section 377 lo open or break up Lhe soil or pavement or any street or who, under any other lawful auliiority, opens or breaks up the soil or pavement of any street for the purpose of executing any work, to make provision lo his satisfaction for the passage of diversion of traffic. Tor securing access Lo lhe premises approached from such street and for such drainage, water supply or means of lighting as may be interrupted by reason of lhe execution of such work, and if such person fails to do il, lhe Municipal Commissioner may cause lhe same to be done and reeovcr lhe expenses thereof from such person.

Disposal of things removed under ihis Chapter,

383. Anything caused io be removed by the Municipal Commissioner under this Chapter shall, unless the owner thereof lurns up to take back such thing and pays to Lhe Municipal Commissioner the charges for ihe 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 lhe expiry of such period by public auction or in such other manner as he thinks fit, and the proceeds thereof shall be credilcd io ilie MuniHnnl Fund

(Far! VI.—Town Planning, Land and Umd Use Controls— Chapter XXI.— Streets and public places.—F. Naming and numbering of streets and numbering of buildings.—Sections 334, 385.)

F. *Naming and numbering of streets and numbering of buildings*

3S4. (1) The Siaie Government shall by notification constitute an Advisory Committee for naming of streets in '[Kolkata], The Advisory Committee shall consist of such number or persons, not exceeding ton but nol less than seven, as the State Government may think fit.

Advisory Cuminiiicc for naming **uf strciiLi,**

(2) The members of the Advisory Committee shall he choscn from amongst historians or persons with high cultural background and shall hold office for such period and oil such terms as may be Sfjecified in the notification.

(3) The Advisory Committee shall examine every proposal for determining the name ol' any street or public placc vested in the Corporation or for changing sueh name in such manner as il thinks fit and shall forward its recommendations to the Corporation.

(4) The Slate Governmeni shall prescribe matters regarding the conduct of business of the Advisory Committee.

385. (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 Lhe Corporation shall be known:

Provided Lhat **in giving such approval, the Corporation shall consider the recommendation of the Advisory Committee and may accept lhe 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 Commiilee and its comments thereon to Lhe Slale Government whose decision thereon shall be final;

Naming and numbering of sircel.

(b) cause lo be put up or printed at a conspicuous pan of any building, wall or placc at or near each end, comer or entrance of such sLreeL or on some convenient part of such sireel lhe name or number by which il shall be known;

(c) causc to be put up or painted on boards of suitable size the name of any public place vested in lite Corporation;

(d) wiih llie approval of lhc Mayor-in-Council determine the number or sub-number by which any premises or pari thereof shall be known;

(e) by written notice require an owner of any premises or part thereof (o put up by means of a metal plate a number or sub-number on such premises or part LhereoHn such position and in such manner as may be specified in such notice.

'*S***L-C** lou i-**I IO IC** 2 on nnce 573. *ante.*

(2) Notwithstanding the provisions of sub-clause (a) of sub-seciion {1), the nomenclature of each category of street whose name is changed after the commencement or Lhis Act shall be determined by regulations.

(3) No person shall destroy, remove, defacc 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 n:ime or number or sub-number di lie rent from that put up or painted by order oT the Municipal Commissioner.

G. *Repair of enclosure of dangerous places*

380. (1) If any place is, in the opinion of Municipal Commissioner, for want of sufficient repair or proteciion or enclosure or owing to some work being carried out thereupon, dangerous or causing inconvenience to passengers along a slreel or to other persons including the owner or the occupicr of such placc who have legal access thereto or to the neighbourhood thereof, the Municipal Commissioner may, by a noiice in writing, require the owner or the occupier of such place to repair, protect or enclosc the same or lo take such other step as may appear to the Municipal Commissioner lo be necessary in order to prevent the danger or inconvenience arising therefrom within sucii period as may he specified in the noiice,

Municipal Commissioner lo lake sicps for repairing or enc loving dnncerous pJuccs,

(Part VI,—Town Platiniiig, Land and Land Use Controls— Chapter XXI.—Streets and public places.—H. Li gluing of streets.—Sections 388, 389.)

(d) placc and maintain—

(i) electric wires Tor the purpose of lighting such lumps under, over, along or across, and

(ii) posts, poles, standards, slays, struts, brackets and olher contrivances Tor carrying, suspending or supporting lamps or electric wires in or upon,

any immovable properly without being liable to any claim for compensation thereof:

Provided that such wires, posls, poles, standards, stays, siaits, brackets and other contrivances shall be so placed as to occasion llie leasl practicable inconvenicnce or nuisance lo any person;

Provided further that the Corporation may, Tor carrying, suspending or supporting any lumps or dearie wires, enter into an agreement wiih any firm or company for using, on terms and conditions mutually agreed upon, any posts, poles or standards crected and maintained by such firm or company.

(2) Notwithstanding anything contained in the Indian Electricity Acl, 1910, lhe Corporation shall not be liable, except on the ground of negligence, to any claim for compensation for any damage, detriment, inconvenicnce or nuisance caused by il or by any one employed by it, in the excrcise 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 sireel, make arrangements for lhe lighting of such sireels on such terms as lhe Mayor-in-Council may specify and upon such arrangemenls, shall, in respect of such street, excrcise all the powers conferred by this scction.

388. (I) No person shall, without any lawful authority, lake away or wilfully or negligently break or throw down or damage—

(a) any lamp or any appurtenance of any lamp or lamp posl 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 conlrivnncc for carrying, suspending or supporting any electric wire or lamp.

(2) No person shall wilfully or negligently extinguish Lhe light of any lamp sel up in any public street or any public place.

(3) If any person wilfully or through negligence breaks or causes ;iny damage to anything referred lo in sub-section (1), he shall, in addition Lo any penally to which he may be subject under ihisAcl, pay lhe expenses of repairing Lhe damage so caused by him.

[Wesl Ben. Acl

389. The Corporalion may on its own or in collaboration with any one erect plants Tor the generation or electric power subjeci io such regulations as may be made in this behalf.

COURT BOOK
EMPOWERING LEGAL CLARITY

9 of 1910.

Prohibition for removal, cit.of Irunps.

Power lo lake measures for ge Tier.i lion of dcctricily.

CHAPTER XXII

Buildings *A.*
Procedure

390. In lhis Chapter, unless the context otherwise requires,ð Definitions.

(1) lhe expression "io erect a building" means—

(a) to ereel 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 or Lhe 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 walk above the level or plinih has been pulled down, or

(iii) any frame-building of which more than half of lhe number of posts or beams in lhe external walls have been pulled down;

(c) lo convert into a dwelling house any building or any part of a building nol originally constructed for human habitation or, if originally constructed Tor human habitation, subsequently appropriated Tor any oiher purpose;

' (d) lo convert inio more than oncdwellinghouse a building originally constructed as one dwelling house only;

(c) to convert into a place of religious worship or a sacred building any place or building not originally constructed for such purpose;

(f) lo roof or cover an open space between walls or buildings to the extent of the structure formed by lhe roofing or covering of such space;

(g) to convcrt two or more lenemenis in a building into a greater or lesser number of such tenements;

(h) to convert into a siall, 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 subdivision or addition, in greater or lesser number of such stalls, shops, offices, warehouses or godowns,
workshops, factories or garages;

(i) lo convert a building, which when originally con si rue led was legally exempt from the operation of any building regulations, contained in lhis Act, or under any rules or regulations made under this Act, or contained in any oiher law in force for lhe lime being, into a building which, had it been originally crecled in its converted form, would have been subjeel lo such building regulations;

(j) to convert inio or use as a dwelling house any building which has been discontinued as or approriatcd for any purpose other lhan a dwelling house;

(k) to make any addition lo a building;

(I) lo close permanently any door or window in any external wall;

(m) to remove or reconstruct the principal staircase or tq aller ils position;

(2) "occupancy" or "use group" means the principal occupancy Tor which a building or a part of a building is used or intended Lo be used. For the purpose or classification of a building according to occupancy, an occupancy shall be deemed lo include subsidiary occupancies which are contingent upon il. Buildings wilh mixed occupancies shall mean those buildings in which more lhan one occupancy are present in different portions Ihereof. The occupancy classification shall, unless otherwise spelt out in any development plan under any law in force For lhe lime being,
include—

(a) residential buildings, that is to say, any buildings in which sleeping accommodation is provided for normal residential purposes with or wilhoul cooking facility or dining Facility or both; such building shall include one or nvo or multi-family dwellings, '* hostels, -*** apartment houses and flats, and privale garages;**

(b) educational buildings, lhal is to say, any buildings used For school, college or day-care purposes involving assembly for instruction, educaiion or recreation incidental to educational buildings;

'The words "lodging or rooming houses," were omitted by 5. 16(i)(A) of the Calcutta Municipal Corporation (Amendment) Acl. 19% (Wcsl Ben, Act VI of 19%).

"llic word "dormitories," wns omiued hy s. l6(i)(B). *ibid.*

'(c) institutional buildings, that is to say. any buildings or part thereof ordinarily providing steeping accommodation Tor occupants and used Tor Ihe purposes of medical or other treatment or care oF persons suFrcring from physical or mental illness, disease or infirmity, care or infants, convalescents or aged persons and for penal or correctional detention in which lhe 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 re Forma lories;

(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 olher purposes; such buildings shall include iheaires, motion picture houses, drive-in-theatres, city halls, town halls, auditoria, exhibition halls, museums, skating rinks, gymnasium, reslaurents, eating houses, hotels, boarding houses, -[lodging or rooming houses, guest houses, dermitories.l places of worship, dance halls, club rooms, gymkhana, passenger stations and terminals of air, surface and other public transportation services, recreation piers, and stadia;

(c) business buildings, thai is to say, any buildings or part thereof used for transaction of business for Lhc keeping of accounls and records or For similar purposes; such buildings shall include oFfices, banks, professioinal 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.

' The proposed amendment, cnaclcd by s. 16(ii) of lhc Calculla Municipal Corporation (Amendment) Aci, 1996 (Wcsl Hen. Act V] or 1906), lo sub-el nine (c) of clause (2) or scclion 390 is not correcl. This amendment was perhaps made in order lo omit llic amendment promulgated by lhc Caculla Municipal Corporalion (Amendment) Ordinance, 1995 (Wcsl 13cn. Ord. Ill or 1995} where die words lodging or rooming houses, guesthouses, dormitories." were inserted after the words "mental hospitals" which has no practical relevance as no amendment promulgated by an Ordinance can be incorporated in an Acl.

However, no additional words would perhaps he required lo be incorporated nflcr ihe words "metal hospitals" in sub-clause(e) of clause (2) of said seciion.

HTic words within llie square brackcls were inserted hy .v ifi(iii) of Llic Calcutta Municipal Corporalion (Amendment) Acl, 1996 (Wesl Ben. Acl VI of 996).

Explanation.—**For lhe purpose of lhis clause,—**

(i) ihc expression "office purpose" shall include lhe purpose or administration and clcrical work (including telephone and telegraph operating and operating computers), and

(ii) the expression "clerical work" shall include writing, book-keeping, sorting papers, typing,
filing, duplicating, punching cards or tapes,
machine calculating, drawing of matter for publication, and editorial preparation of mailer for publications;

(f) mercantile buildings lhal 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 lhe
. sale or 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 (o 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, smokehouses,
refineries, gas plants, mills, dairies, factories,
workshops, automobile repair garages, and printing presses;

(h) storage buildings, that is lo say, any buildings or part thereof used primarily Tor the storage or sheltering or goods, wares or merchandise as in warehouses; such building shall include cold storages, freight depots,
transit sheds, store houses, public garages, hangars,
iruck terminals, grain elevators, barns and slables;

(i) hazardous buildings, that is to say, any buildings or part thereof used for the siorage, handling, manufacture or processing of highly combustible or explosive materials or products which are liable lo burn wilh 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.

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explosions or mixtures of dusi or which result in Lhe ' division or mailer into Tine panicles subject to spontaneous ignition, i20 * * * * *

(3) "alteration" means ilie change from one occupancy to another, or lhe structural change, such as the addition io any area or height, or the removal of a part of a building, or the change io the structure, such as the construction of or culling into or removal of any wall, partition, column, beam, joisi,
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.

391. (!) The Mayor-in-ComiciI shall consliluie a Municipal Building Municipal **Commiliee wilh lhe Municipal Commissioner as iis Chairman and an cummiHcc officer of lhe Corporaiion as its convener.**

(2) The Commiliee shall have, in addition lo lhe Chairman and the convener,

"[(eight) other members] of whom—

(a) one shall be a nominee of the [1][Kolfcala] Metropolitan Development Authority,

(b) one shall be a nominee of the Commissioner of Police, '[Kolkata], «= * * *

(c) one shall be the Director of West Bengal Fire Services [5][or his nominee,]

20Tlic word "and" was omitlcd hy s. 2(2) of the Calcutta Municipal Corporaiion (Amendment) Acl. 1989 (West Ben. Acl XV of 1989),

Tire wtirds "or his nominee" were firs I inserted by s. 34 of the Calculla Municipal Corporation (Second Amendment) Act, 1984 (West 'Jen Acl XIII of 1984). Thereafter lire words within the square hrackcbi were substituted for the words "or his nominee," by s. 2(3) of the Calcutta Municipal Corporaiion (Amendmenl) Act, 1989 (Wesl Ben. Acl XV of I9S9).

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'(d) one shall be a nominee of lhe Stale Government,
2* * * *

'(e) one shall be the Chief Engineer, Municipal Engineering Directorate, '[Department of Municipal Affairs,! Governmeni of Wesl Bengal.

[J](f) one shall be an architect of repute lo be selected in consultation with the Council of Architecture constituted under section 3 oflhe Architects Acl, 1972,[21]* * * * * 20ofi972.

[4]{g) one shalJ be a Town Planner of repute *lo be* **selected in consultation with the Institute of Town Planners of'[India,**
and]

[7](h) one shall be a nominee of the Department of Environment,
Government of West Bengal.

(3) The Committee may co-opl 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 al such periodical interval as may be "[determined by the Mayor-in-Council:]

Provided lhat ordinarily al least three meetings shall be held during every calendar month.

'Clauses (J) unil (c) were added by s. 2(4) of the Calculla Municipal Corporation (Amendment) Act, 1989 (West Ben. Acl XV or 1989).

The word "and" was omitted by s. 17{b) of the Calcutta Municipal Corporation (Amendment). Acl. 1996 (West Ben. Acl VI of 1996),

The words wiihin the square brackcls were substituted for the words "Department of Local Government and Urban Development" by s, 17(c), ***ibid.***

'Clauses (0 and (g) were inserted by s. 17(d), ***ibid.***

The *word* "and" was *omtiled by s. 28(2)* of the Calculla Municipal *Corponlion* (Amendment) Act, 1997 (Wcsl Hen. Act XXVI of 1997).

The words within the square brackcls were substituted for the words "India," hy s. 28(3) of lhc Calcutta Municipal Corporalion (Amendment) Acl. 1997 (West Ben, Acl XXVI of 1997).

'Clause (h) wis inserted by s. 28(4), ***ibid.***

'The words wiihin the square brackets were substituted for the words "provided by regulations:" by s. tG of the Calcutta Municipal Corporalion (Amendment) Act, 1988 (West Ben. Act XXI of 1988).

(5) The Committee shall, in accordance with lhc provisions or this ' Act or lhe rules and the regulations made (hereunder or of any other law in force for the time being, scrutinize every application for erection or re-erection of a building for which nolice has been received under scclion 393 or section 394, except For a residential building to be ercctcd or re- erected on a plot of 500 squire metres or less of land, and shall forward its recommendations to lhe Mayor-in-Council:

Provided that during such scrutiny the Commiilee shall consider matters related tg preserving, developing and maintaining the aesthetic quality of urban and environmental design wiihin '[Kolkata] and shall, in respeci or any building or any execution of work, if il aFfects or is likely to affect the sky-line or lhe aesihetic qualiiy of urban or environmental design, or any public amenity therein, recommend 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 lo affect—

(a) the functioning of microwave systems Tor telecommunication purposes, or

(b) any functions for purposes of civil aviation, the Committee shall, in accordance wiih such rules as may be framed in consultation with such departments or agencies of Government as have control on such mailers, refer such cases to such Departments for iheir opinions before finiltzmg its recommendations.

(6) The Mayor-in-Council may refer any other matter, included in this Chapter, lo lhe Committee for its scrutiny and recommendation.

(7) The Mayor-in-Council shall consider the recommendations of lhe Committee and, incase of any modification, alteration or cancellation of the same, shall record Lhe reasons thereof in writing.

392. No person shall erect or commence -to erecL any building or Prohibition **execute any of lhe works specified in section 390 except with the previous sanction of the Municipal Commissioner and in accordance sanction, with lhe provisions of this Chapter and oF (he rules and the regulations made under this Act in relation to such erection oF building or execution of work.**

[1] *Scv* fool-nole 2 **OTI** 573. *ante.*

(Part VI.—Town Planning, Land and Land Use Controls.— Chapier XXII.— Buildings.—A. Procedure.—Sections 393-395J

Election or building.

393. (1) Every person who intends to erect a building shall apply for sanction by giving notice in writing or his intention to the Municipal Commissioner in such form and containing such information as may be prescribed.

(2) Every such noticc shall be accompanied by such documents and plans as may be prescribed.

Applications Tor addition lo tir repairs of buildings.

394. (1) Every person who intends to execute any of the works specified in '[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 noiice shall be accompanied by such documents and plans as may be prescribed.

Purpose for which building to be used and condi lo ins of validity or no lice.

395. (1) Every person giving any noiicc of his intention lo erect a building under seclion 393 shall xpccify 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-secLion (2) or section 390, shall be considered except in respect of the cases where, under this Act or any other law in force for the lime being, mixed occupancies of specified nature may be permissible.

(2) Every person giving any notice under sec Li **on 394 of his intention lo execute any of the works specified in clause (b) of sub-section (I) of seclion 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 execuiion of work:**

Provided that if such change would result in mixed occupancies which are contrary io the provisions of Lhis 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-sec Lion (I) or sub-section (2) and any other information and plans which may be required by the rules made in this behalf have been furnished lo the satisfaction of the Municipal Commissioner along with the notice.

'The words, brackeis and letters wilhin ihc square brackets were subsliluled for ihc word, brackets and letter "clause (b)" by s. 35 of the Calcutta Municipal Corporaiion (Second Amendment) Act, **19S4 (WCM** Ben, Act **XIII OR 19W).**

LIX of1980J

*(Part VI.—Town Planning, Land and Land Use Controls.—
Chapter XXII.—Buildings.—A. Procedure.—Section 396.)*

396, (1) The Municipal Commissioner shall sanction lhe erection of a building orlhccxecuLion 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 seciion 406:

Sanction **or ^ncikm'or j^Jd'-ngor** WDr*-

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 '[500 square metres or less of land, or a heritage building:]

Provided further lhat the Mayor-in-Council shall consider lhe recommendations of lhe 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) lhat the building or lhe work or lhe use of lhe site for the building or the work or any of lhe particulars comprised in lhe site plan, ground plan, elevation, sec Li on or specification would contravene the provisions of this Acl or the rules and lhe regulations made thereunder or of any olher law in force for the time being;

(b) thai the notice for sanction docs not contain the particulars or is not prepared in the manner required under the rules and lhe regulations made in this behair;

^c) thai any information or document required by lhe Municipal Commissioner under this Act or the rules or lhe regulations made thereunder has noL been duly furnished;

. (d) thai in cases requiring a layout plan under section 364 or seciion 365 such layoul plan has not been sanctioned in accordance with the provisions of Ihis Aci;

(e) thai lhe building or the work would be an encroachment on Government land or land vested in the Corporation;

'The words and figures wiihin the s,',u:iro'hr.]ckcK were substituted for lhe wants and figures "500 square metres or less ofland:" by L 29(1} of the Calculla Municipal Corporation (Amendment) Act, 1997 (W«l Ben. Act XXVI of 1997).

The words within the square brackets were inserted by s. 29(2), *ibid.*

(Pari VI,—Town Planning, Land and Land Use Controls.—
Chapier XXII. —Buildings. —A. Procedure-Section 397.}

(f) thai the site of lhe building or the work does not abut on a slreel or projected street and that ihere is no access to such building or work from any such slreel by any passage or pathway appertaining lo 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 lhe lime being, and if such licence or permission is not immediately available, a provisional sanction shall be given for the ereciion or such building and upon the production of such licence or permission and submission of duly authenticated copies thereof, sanction under sub-seciion (1) shall be given:

Provided lhal the provisional sanction shall be subjeel to all oiher provisions of this Chapter.

(4) The Municipal Commissioner shall communicate the sanction or lhe provisional sanction lo the person who has given lhe noiice under seclion 393 or scclion 394; and where he refuses sanction or provisional sanction either on any of the ground specified in sub-seciion (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-noiice.

(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 Lhe 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 specifically slated in .such sanction.

Sanction or provisional Sanction accorded under mis-representa-tion.

397. If, at any time after the communication of sanction or provisional sanction lo lhe erection of any builidng or lhe execution of any work, the Municipal Commissioner is satisfied that such sanction or provisional sanction was accorded in consequence of any material mts-representaLion or any fraudulent statement in the noiice given or information furnished under section 393 or seclion 394 or seclion 395, he may, by order in writing, cancel, for reasons lo be recorded, such sanction or provisional sanction, and any building or any work commenced, erected or executed shall be deemed lo have been commenced, erecled or executed without such sanction and shall be dealt with under the provisions of lhis Chapter:

Provided that before making any such order, lhe Municipal Commissioner shall give a reasonable opportunity lo lhe person affected as to why such order should not be made.

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LIX of 1980.]

(Part VI.—Town Planning, Land and Land Use Controls.—
Chapter XXII.—Buildings.—A. Procedure.—Section 398.)

398. (J) Where wiihin a period ofsixly days or, incases falling under Jjuiidin ^ '[clause (b) lo clause (m)] of sub-seclion (1) of seciion 390, wiih in a work may be period of thirty days of ihe receipt or any nolice under section 393 or [^[ceded] seciion 394 or of any information under seciion 395 lhe Municipal Commissioner does not refuse lhe sanclion io lhe erection of any building or lhe execution or any work or, upon refusal, does not communicate lhe refusal lo the person who has given the noiicc, such person may make a representalion in wriiing to the Mayor:

Provided thai if it appears to (he Municipal Commissioner (hat lhe site of Lhe proposed building or work is likely lo 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 wiLlihold sanclion to lhe ereclion of the building or lhe execution of lhe work for such period, nol exceeding six months, as he may deem fit, and the period of sixty days or, as the case may be, Lhe period of thirty days, specified in this sub-scclion, shall be deemed io commence from the dale of lhe expiry of the period for which the sanction has been withheld.

(2) Where the ereclion of a building or lhe execution of a work is sanciioned, the person who has given the nolice shall erecL lhe building or execute lhe work in accordance wiih such sanction and shall not contravene any of the provisions of this Aci or lhe rules or lhe regulations made thereunder or of any other law in force for the time being.

(3) If the person as aforesaid or any one lawfully claiming under him does nol commence the erection of the building or Lhe execution of the work within [2][lwo years] of the date on which lhe erection oflhe building or the execution of the work is sanciionedhe shall give notice under seciion 393 or, as lhe case may be, under section 394 for fresh sanclion and the provisions of this section shall apply in relation to such nolice as they apply in relation to the original notice.

(4) Such person shall, before commencing the erection oflhe building or (he execution of lhe work within the period specified in sub- seclion (3), give nolice to the Municipal Commissioner of the proposed dale of commencement of such ereclion or such execution: -

'The wards, brackcls and tellers wiihin ihe square brackcls were substituted for lhe word, brackcls and letters "clausc (b)" by s. 36(a) of ihe Calculla Municipal Corporalion (Second Amendment) Acl, 1984 (Wcsl Ben. Acl XIII of 1984),

The words within the square brackcls were substituted far ihe words "one year" by s. 17 of the Calcutta Municipal Corporation (Amendment) Acl, 1938 (West Ben. Acl XXI of 1988).

yThe words "or is deemed lo have been ijneiioned" were omilied by s. 36(b) of Lhc Calculla Municipal Corporation (Second Amendment) Act. 1984 (West Ben. Act XIII of 19fW>.

(Pari VI.—Town Planning, Land and Land Use Controls.— Chapier XXII.— Buildings.—A. Procedure.—Sections 398A, 399.)

Provided thai ir[he commencement does noi lake place wilhin fifteen days oF the dale so notified, Lhe **noiice shall be deemed nol to have been given and a fresh noiice shall be necessary in this behalf.**

Bar la cans l rue lion of huilding in certain coses Tor 3 limited period.

[1]**398A. (1) Notwithstanding anything contained in this Acl or in any other law for the time being in forcc, wilh erred from the date of coming into force df the Calculla Municipal Corporatipn (Amendment) Act, 1990 (hereinafter referred lo in this seclion as the said Act) and for a period of one year from such dale (hereinafter rererred lo in lhis section as the said period), no person shall apply for sanction of any plan to erect a building exceeding thirteen and a hair meires in height.**

(2) Any application Tor sanction or any plan to erect a building exceeding thirteen and a hair meires in height, submitted by any person—

(a) **before lhe coming into force of the said Acl and lying pending for such sanction on the date of coming inio force or lhe said Act, or**

(b) al any lime 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 heighi stands rejected under sub-section (2), may apply afresh for such sanction in accordance wilh the provisions of this Acl and Lhe 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, al his option, be refunded to him or adjusted towards the Tee payable by him for fresh application for such sanction under sub-seciion (3).

(5) Notwithstanding anything contained in the foregoing provisions of this section, lhe Slale Government may, if il 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.

Period Tor completion of building or work.

399. The Municipal Commissioner shall, when sanctioning the erection of a building or lhe execution of a work, specify a reasonable period wilhin which lhe building or the work is to be **completed, and iT the building or the work is not completed within** Lhe **period so specified, if shall noi 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 extension of such period.**

'Section 398A was inserted by 5.1 of the Calculla Municipal Corporation (Amendmenl)

LEX of 1980.)

(Part VI.—Town Planning, Land and Land Use Controls.—
Chapter XXII.—Buildings.—A. Procedure.—Seciion 400J

400. (1) Where [he erection of any building or the execution of any Orxkraf work has been commenced, or is being carried on, or has been completed without or contrary lo the sanction referred to in section 396 or in ofbuildings contravention of any of the provisions of this Acl or the rules and the ccnrincase" regulations made thereunder, the Municipal Commissioner may, in and appeal, addition lo any other action that may be taken under this Act, make an order directing lhat 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 lhan fifteen days from the dale on which a copy of the order of demolition wiih a brief statement of the reasons therefor has been delivered io 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 nolice 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 ereclion or lhe execution has not been completed, the Municipal Commissioner may by ihe same order or by a separate order, whether made al the lime of the issue of the notice under the first proviso or al any o[her lime, direct such person to stop the ereclion or lhe execution until the expiry of lhe period wiihin which an appeal against the order of demolition, if made, may be preferred under sub-section (3).

Explanation.—**In this Chapter, "Lhe 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 il by himself.**

(2) The Municipal Commissioner may make an order under sub- seciion (1), notwithstanding lhe fact thai the assessment of such building
has been made for lhe levy of the '[property Lax] on lands and buildings.

(3) Any person aggrieved by an order of lhe Municipal Commissioner made under sub-section (1) may, within thirty days from the date of lhe 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-seclion (1), the Municipal Building Tribunal may slay lhe enforcement of ihe order on such terms, if any, and for such period, as il may think fit:

fnol-nftlp 7 rm fitW ant?

Provided thai where the erection of any building or the execution of any work has not been completed ai the lime of Lhe order made under sub-section (1), no order staying the enforcement of the order made under lhal sub-section shall be made by Ihe Municipal Building Tribunal unless a surely, sufficienL in the opinion of ihc said Tribunal, has been given by lhe appellant for noL proceeding with such erection or work pending the disposal of the appeal. '

(5) Save as provided in lhis 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 seclion.

(6) Every order made by [he Municipal Building Tribunal on appeal and, subject (osuch order, the order made by lhe Municipal Commissioner under sub-section (1) shall be final and conclusive.

(7) Where no appeal has been preferred againsi 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, lhe person against whom the order has been made shall comply wilh the order wilhin 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 lo comply wilh the order wilhin such period, lhe Municipal Commissioner may himself cause the building.or lhe work io which Lhe order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Acl,

(8) Notwithstanding anything contained in this Chapier, if the Mayor- in-Council is of the opinion lhal 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 io be recorded in wriLing, **cause such building or work io be demolished forthwith.**

Order of stoppage of buildings or works in ' certain cases.

401. (1) Where '[lhe demolition of any heritage building or] the erection or any building or the execution of any work has been commcnced or is being carried on without or contrary to the sanction referred io in section 396 or in contravention of any condition subjeel to which such sanction has been accorded or in contravention of any provisions of lhis ACL or the rules or the regulations made thereunder, the Municipal Commissioner may, in addition to any other aciion that may be taken under lhis Acl, by order, require the person al whose instance the building or the work has been commenced or is being carried on to slop lhe same forthwith.

'The words wilhin the square brackets were inserted by s. 30(1) of the Calcutta

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■ [22]**(1A) (a) Noiwithslanding 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 lhe 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 lhe construction or a building is carried on in contravention of lhe provisions of clause (a), lhe Municipal Commissioner may, in addition (o any other action lhal 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 lhe building is made io stop forthwith any further construction or the building, and such order shall remain in forcc till the person as aforesaid complies wilh lhe requirements of the order as aforesaid to the satisfaction of the Municipal Commissioner. - '(IB) If an order made by the Municipal Commissioner under clause (b) of sub-section (] A) directing any person lo 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 Lo **remove such person and all his assistants and workmen from the premises within such** Lime **as may be specified by the Municipal Commissioner and such police officer shall comply wilh such requirement.**

(2) No Court shall enleriain any suit, appl ication or other proceeding for injunction or oiher relief against the Municipal Commissioner to restrain him from taking any action or making any order in pursuance or the provisions of this section.

(3) ir **an order, made by the Municipal Commissioner under seclion 400 or under sub-section (1) of this section directing any person to stop** Lhe **erection of any building or the execution** or **any work, is not complied wilh, the Municipal Commissioner may lake such measures as he deems fit or may require any police officer to remove such person and all his assistants and workmen from lhe premises within such lime as may be specified by the Municipal Commissioner and such police officer shall comply wilh such requirement.**

(4) After Lhe **requirement under sub-section (3) has been complied wilh, the Municipal Commissioner may, if he thinks fit, depute, by a wrilien order, o police officer or an officer or other employees of the Corporation to watch the premises in order lo ensure that the erection of the building or the execuiion of lhe work is nol continued.**

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'Sub-scciions (I A) and (IB) were inserted by s. 30(2) of ihc Calculla Municipal

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(5) Where a police officer or an officer or other employee of ihe Corporation has been deputed under sub-secLion (4) to watch lhe premises, [he cost or such deputation to be determined by the Corporalion by regulations shall be paid by the person a[whose instance such ereclion or execution is being continued or lo whom no[ice under sub-secLion (1) has been given and shall be recoverable from such person as an arrear of [ax under [his **Acl.**

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Cons iruci ion of building in contravention of the provisions or the Aci or (he rules **nude** thereunder.

'401A. (1) Notwithstanding anything contained in [his Act or [he rules made [hereunder or in any other law for [he time being in force, any person, who, being responsible by himself or by any other person on his behalf, so constructs or attempts lo so construct or conspires lo so construct any new building or additional floor or floors of any building in contravention of lhe provisions of this Acl, or the rales 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 [he road traffic is disrupted or is likely to be disrupted, or is likely lo cause a fire hazard, shall be punishable with imprisonment of either description for a term which may extend [o five years and also with fine which may extend to fifty thousand rupees.

Explanation.—"**Person" shall include an owner, occupicr, 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 buildi ng 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 lhe Cade of Criminal Procedure, 1973.

(3) Where an offence under sub-scclion (1) has been committed by a company, the provisions of section 619 shall apply lo such company.

Explanation.—**"Company" shall have lhe same meaning as in the** *Explanation* **to section 619.**

2 of 1974.

Power of Municipal Commis-sioner to require alteration of work.

402. (l)The Municipal Commissioner may, al any lime during the erection of any building or the execution of any work or at any time within three months after [he completion thereof, by a written nolice, specify any mailer in respect of which such erection or execution is without or contrary lo the sanction referred to in section 396 or is in contravention of any condition of such sanction or of any of [he

- 'Section 401A was inserted by s. 2 of the Calculla Municipal Corporation (Second

provisions of this Act or the rules or lhe regulations made thereunder and require Lhe person who gave the noiice under seclion 393 or section 394 or lhe owner of such building or work eitherð

(a) lo make such alterations as may be specified by the Municipal Commissioner in the notice wilh lhe object of bringing the building or Lhe work in conformity wilh such sanction or such condition of such sanction or such provisions of this Acl or lhe rules or the regulations made thereunder, or

(b) to show cause, within such period asmay be stated in the notice, why such alterations should not be made.

(2) If such person or such owner does nol 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 lhe cause as aforesaid, the the Municipal Commissioner shall, by an order, either cancel lhe notice issued under sub-section (1) or confirm the same subjeel io such modifications as he thinks fit.

403. (I) Every person giving noiice under scclion 393 or section 394 Completion **or every owner of a building or a work io which such no lice relates shall,** ccnLrica(cs **within one month after lhe completion of erection of such building or execution of such work, deliver or send or cause to be delivered or sent lo 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 lo be occupied any such building or use or permit to be used any building or a part thereof affecled by any such work until permission has been granted by the Municipal Commissioner in this behalf in accordance wilh the rules and the regulations made under this Acl:

Provided that if the Municipal Commissioner fails, within a period of thirty days of receipi of the notice of completion, to communicate his refusaUo grant such permission, such person may make a representation . in writing to the Mayor.

B. General Powers

404. (1) The Slate Government may make rules—

Municipal Building

(u) **for lhe regulation or restriction of the use of siles for building,** Code. **and**

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(Part VI.—Town Planning, Land and Land Use Controls.—Chapter XX11.—Buildings.—B. General Powers.—Seciion 404.)

(2) Without prejudice lo (he generality of the power conferred by sub-secLion (1), [he rules made [hereunder may provide for all or any or lhe following mailers:—

(a) information and plans ID be submitted logelher wiih application under any of the provisions of ihis Chapter,

(b) requirements of sites,

(c) means of access,

(d) development of land inio land subdivision and layout,

(e) land use classification and uses,

(0 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) exil requirements including doorway, corridor, passageways, staircases, ramps, and lobbies,

(k) fire protection requirements including materials and designs for interior decoration,

(1) 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 eleclric supply, airconditioning or healing 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

a

405. (I) Notwithstanding the provisions or ihis Acl or the rules and Buildings ai the regulations made thereunder or of any olher law in force for the time or **being, the Municipal Commissioner may, in the case of any building which is intended lo be crected al the corner of Lwo sircels—**

(a) refuse sanclion for such reasons as may be recorded in writing, or

(b) impose restrictions an its use, or

(c) place special conditions concerning exit to or entry from any street, or

(d) require il to be rounded off or splayed or cut off lo such height and (o 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 lhe Municipal Building Committee and without prior approval of lhe 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 Lhe conditions in clauses (b) to (e) of sub-section (1) to be made lo any building completed before the commencement of this Act.

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Provisions as io buildings and works on cilhcr side of new sliecls or near fly- avers or transporta-tion terminals.

406. (1) The sanction tot he erecLion 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 lo the erecLion of any such building or the execution or 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 bul 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 far 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. (1) No roof, verandah, pandal or wall of a building or no shed or fence shall be con si rue ted or reconstructed of cloth, grass leaves, mais or other inflammable malcrials except wilh the wrilien 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 wilh lhe fresh permission obtained in lhis behal f.

(2) Every permission granted under sub-seciion (1) shall expire at the end of the year for which it is granted.

(3) The Municipal Commissioner may regulate lhe use of materials, design or construction, or other practices for interior decoration in accordance wilh lhe ruies and the regulations made in this behalf.

Provisjpns againsfuse or inflammable malcrials Tor building, ᴄʟᴄĂ wilhoul permission.

408. (1) The Municipal Commissioner may, subjeel io the prior approval of the Mayor-in-Council, give public noiice of his intention lo declare— .

(a) lhal 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-erecLed after such noticc 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 semidetached buildings or both and lhal the land appurtenant lo each such building shall be of an area not less than that specified in such notice; or

(c) that lhe minimum of building plots in particular localities shall be of a specified area; or

(d) (hat in any locality specified in the noiice, the construction of more lhan a specified number of buildings on each acre of land shall not be allowed; or

Power lo regulate fulure conslniclion. of buildings in particular slrccLs or localilits.

(e) that in any streets, portions or slreel 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 nol 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 publication of such noiice, and may confirm lhe declaration, or may modify it so however

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(3) The Municipal Commissioner shall publish any declaration so confirmed or modified in the *Official Gazette* and the declaration shall take effeci from the dale 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.

Power ta siop excavalion.

409. If, during excavation or any olher operation for Lhe 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 lhat such excavation may cause.danger lo public, (he Municipal Commissioner may, by a written order, stop forthwith any such excavation or olher work till the matter is investigated and decided lo his satisfaction.

Power to require alteration of existing building.

410. The Municipal Commissioner may, with a view lo promoting public or occupier's convenience, safety, privacy, or sanitation or io securing conformity with lhe provisions of ihis Acl and the rules and the regulations made thereunder, by order in writing require the owner of any existing building lo make such alieraiionslherein wiihin such period as may be specified in lhe order:

Provided lhai before making any such order, ihe Municipal Commissioner shall afford a reasonable opportunity lo the owner lo show cause why such order should not be made.

Power lo order removal or dangerous buildings.

411, (1) If any wall or building, or anything affixed thereto, be deemed by the Municipal Commissioner io be in a ruinous slale, or likely lo fall, or to be in any way dangerous, he shall forthwith cause a written nolice to be served on the owner and to be puL on some conspicuous part of lhe wall or building or served on lhe occupier, ir any, of the building, requiring such owner or occupier forthwith io demolish, repair or secure such wall, building or thing, as lhe case may require:

'Provided thai in lhe case of a heritage building, lhe Municipal Commissioner may refer the state or lhe condiiions thereof io 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 io 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, afier giving them such nolice as lhe Municipal Commissioner may think necessary, require the inmates of lhe building to vacate il.

'Proviso was added by s. 31 of (he Calculla Municipal Corporation (Amendment) Act. 1997 (Wcsl Ben. Act XXVI of 1997).

(3) The provisions of this Act and of any rules or regulations made thereunder relating lo buildings shall apply to any work done in pursuance, or in consequence, of a notice issued under sub-section {1)-

(4) (a) Notwithstanding Liny **thing contained in the foregoing subsections, the Municipal Commissioner may, forthwith or with such notice as he thinks Hi, demolish, repair or secure or cause to be demolished, repaired or secured, any such waJI or building or thing affixed thereto, on the report of the Chief Municipal Architect and Town Planner, certifying lhat such demolition, repair or securing of (he building, wall or thing is necessary for the safely of ihc public or the inmates of the building.**

(b) III any such case the Municipal Commissioner may causc 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 acLion taken by the Municipal Commissioner under sub- scclion (4) shall, unless lhe contrary is proved, be deemed to have been taken lawfully and in good faith and with due cane and alien lion.

Power lo **order building ID** be vacated in ccrtain circum-*sianccs.*

412. (1) The Municipal Commissioner may. by order in writing, direct lhal any building, which in his opinion is in a dangerous condition or is not provided wilh sufficient means of egress in case of fire or is occupied in contravention of section 196 or seclion 403. be vacated forthwith or within such period as may be specified in the order:

Provided that al the lime of making such order, the Municipal Commissioner shall record a brief statement of the reasons therefor.

(2) If any person fails ID vacate the building in pursuance of such order, the Municipal Commissioner inay direel any police officer to remove such person from lhe building and the police officer shall comply wilh such direction.

(3) The Municipal Commissioner shall, on the application of any person who has vacatcd or has been removed from any building in pursuance of any order or any direction, as the case may be, under this scction, reinstate such person in the building as soon as the circumstances Dermil.

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LIX OR 1980.]

(Part VI.—Town Planning, Land and Land Use Cmurolx.—
Chapter XXII.—Buildings.—B. General Powers.—Sections 413, 413A.)

413. (t) The Municipal Commissioner may, al any lime during [he Inspection **of -- erection or rc-ereclion of a building or ihe execution of any work under holdings, ihis Chaplcr, make an inspection thereof" wiihoul giving any previous nolice of his intention so lo do.**

(2) The Municipal Commissioner may inspcc(any existing building al any time by giving seven days' notice in advance,

•413A. (1) Notwithstanding anything contained in this Chapter or Rcgulari?.,-!- elsewhere in this Act, all buildings, the construction of which by the persons displaced from East Pakistan (now Bangladesh) or by their certain **successors-in-in teres I on lands occupied by such persons have been eases, completed on or before the commencement of lhe Calculla Municipal Corporation (Amendment) Act, 1996, and where the documents of title lo such lands have been granted by the Slate Governmeni, .s-hall be regularized by the Municipal Commissioner under this Chapter, subject to payment of the requisite fees and charges and no submission of application in the prescribed from along with the plan Tor each such building:**

Provided thai such regukirization shall be made only in the cases where the constructions have been completed in conformity with the existing building rules of lhe Corporation:

Provided further that in lhe cases where the building have been completed not in conformity with the existing building rules of the Corporation, in the apporpriaie 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 lo the land as aforesaid have nol been granted by the State Government, the buildings on such lands shall be regularized in the aforesaid manner after lhe documents of title lo such lands are granted by the Stale Government.

Explanation.—**While relaxing the building rules of the Corporation, the Municipal Commissioner shall, in addition lo other factors, if any, take into account lhe structural stability and safely of lhe buildings in accordance with such rules as Lhe State Government may make in this behalf.**

(2) Where the construction of Lhe building has been completed by such person on or before the commencement of the Calcutta Municipal Corporation (Amendment) Act, 1996, **and the document or title to land has been granted by the State Government, such person shall apply for regularization in accordance with the provisions of sub-scclion (1) within -[three years] from Lhc date of commencement of the Calcutta Municipal Corporation (Amendment) Act,** 1996.

'Seciion 413A was inserted hy s. IS oflhe Calculla Municipal Corporalion (AmcniJmcnl) Aci. 1996 (Wcsl Hen, AcL VI of 1996).

TTic words within lhc square brackcls u-ere subslilulcd Tor lhc words "one yc.tr" by s. 32 of lhc Calculla Municipal Ccirpfiralion (Amendment) Acl, 1997 (Wesl Ben. Acl XXVI of 1997).

(3) Where lhe cons into lion of Ilie building has been completed but the document of lillc lo land has noi been granted by the Slale Government, such persons shall apply for regularization in accordance with (he provisions of sub-section (I) within one year from the dale of gram of document or title to land.

(4) Any building, ihc construction of which on the land as aforesaid has not been completed at the date of commencement of lhe Calculla Municipal Corporation {Amendment) Aci, 1996, or any building proposed lo be constructed on or after the said dale, shall be governed, by the provisions of this Chapter.

C. *Licensed Building Architects*

ENGAGEMENT of lechnical penan.

'414, (1) Every person, who intends to erect, re-erect, add to, oralier, any building, shall, subject to the provisions of lhis Aci, engage such technical person and in such manner as may be prescribed.

(2) The categories, and the qualifications, competence, duties and responsibilities, of the lechnicu) persons shall be such as maybe prescribed.

(3) The Municipal Commissioner may by notification specify the manner of 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 lo. a technical person on the ground of dereliction of any duly or responsibility prescribed under sub-seciion (2), or professional misconducl or moral turpitude, on his pari after giving him a reasonable opportunity of being heard.

(5) [f, in any case, any loss of lire **or property is caused, or is likely to be caused, by reason of any misconduct on lhe pari of a technical person engaged under sub-section (J), such technical person shall be subjeel to the provisions of section 401 A.**

Explanation.—**For the purposes or Lhis section, the expression "technical person" shall mean a technical consultant.**

'Scclion 414 wassubslilulcd for Ihc original scclion by s. 19 of Ihc Calculla Municipal Corporal ion (Amendmenl) Acl, 1996 (Wcsl Ben. Acl VI of 1996).

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(Part VI.—Ton'ii Planning, Land and Land Use Controls.—Chapter XXII.—Buildings.—D. Municipal Building Tribunal.—Seclion 415.)

D, *Municipal Building Tribunal*

'415. -(I) The Slale Government shalI appoint a Municipal Building Municipal Tribunal (hereinafter referred io in ihis scclion as "lhe Tribunal") to hear y^'bunS and decide appeals arising out of mailers referred io in scclion 400 or section 416 in accordance with such procedure and Lo realise such fees in conncection with such appeals as may be prescribed:

Provided that, if it is fell necessary by Lhe Slate Government, lhe Tribunal shall hear and decide appeals arising out of matters, referred to in sections 199 and 201 of the Siliguri Municipal Corporation Acl,

West Ben, Acl XXX or 1990.

1990, sections 199 and 201 of the Asansol Municipal Corporation Act,

Wcsl Ben. Aci XXXI of 1990.

1990, sections 202 and 204 or ihc Chandernagore Municipal Corporation Act, 1990 and section 4 or the Durgapur Municipal Corporation Act,

Wesl Ben. Act XXXII of 1990.

1994 *read* wilh seclion 201 of lhe Siligttri Municipal Corporaiion Act,

West Ben. Aci LUI of 1994,

1990 (hereinafter referred lo in this seclion as "hear and dccide appeals under lhe oiher Municipal Corporation Acts")

(2) The Tribunal shall consist or a Chairman and such number of other members not exceeding ■'[fourteen] as the Stale Government may determine:

""Provided that lhe Chairman may conslitiiie one or more Benches for '[Kolkaia], and shall constilute one or more Benches, if felt necessary by the Slale Government, lo hear and decide appeals under the other Municipal Corporation Acts. Each of such Bench shall comprise of at leas! 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 Wesl Bengal Higher Judicial Scrvicc having

i such experience as may be prescribed,

(4) A lechnical member shall be a person who shall have knowledge . or experience in town planning, civil engineering or architecture as may be prescribed.

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(5) The Chairman and [he other members of lhe Tribunal shall be appointed by (he Stale Governmeni Tor such period and on such [erms and condiiions as llie Stale Governmeni may determine and shall be paid from the Municipal Fund:

'Provided thai lhe expenditure connecting io lhe payment of remuneration, travelling allowance and other expenditure, of llie judicial and non-judicial members of lhe Tribunal constituting the Benches to here and dccidc appeals under the olher Municipal Corporation Acts, shall be paid out of the fund of the concerned Municipal Corporalion:

'Provided further that a Councillor or a person who is, or has been, an officer or employee of the Corporalion shall nol be eligible for appointment as a member of lhe Tribunal.

(6) The Slate Government may, if it thinks fit, remove for incompetence or misconduct or any other good or sufficient reason lhe Chairman or a member appointed under this section.

(7) The Tribunal shall have an establishment consisting of such officers and olher employees appointed on such terms and conditions as may be prescribed. The expenses of the Tribunal shall be paid oul of lhe [Municipal Fund:]

•'Provided that lhe Benches constituted under lhc Tribunal in order lo hear and decide appeals under lhe olher Municipal Corporation Acts shall be provided with an establishment consisting or such officers and olher employees as may be prescribed by Lhe concerned Municipal Corporations,

(8) The provisions of Part II and Part III of the Li mi laiion Act, 1963 3& or 1963. relating io appeal shall apply io every appeal preferred under ihis section.

(9) No court shall have jurisdiction in any mailer for which provisions is made in Ihis Chapter for appeal to the Tribunal.

CHAPTER XXIII

Regulation ol'Duilding Uses

Prohibition on change ot use of building.

416. (1) No person shall, without any written permission of the Municipal Commissioner or otherwise lhan in conformity with lhe condiiions, if nny, of such permission,—

(a) use or permit lo be used for llie purpose ofhuman habitation any pan of a building nol originally ercclcd or authorised lo be used for such purpose;

(b) change or allow the change of the use of any building for any purpose olher lhan lhat specified in lhc sanclion under seciion 396;

(c) changc or allow the change of the use of any building ercclcd before lhc commencement of this Act contrary io the use for which such ereclion was originally sanciioned;

(d) convcn or allow lhe conversion of a tenement under a particular occupancy or use group lo 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 lhan in conformity with the provisions of ihis Aci or the rules and lhe regulations made thereunder or of any olher law in force for lhe time being.

(2) If, in any case, such permission is given, no changc of occupancy or use group shall be allowed before any ncccssary alterations or provisions have been made io ihe satisfaction oflhe Municipal Commissioner and in accordance with the provisions of ihis Acl or the rules and the regulations made thereunder or of any other law in force for the lime being.

(3) Any change of use made before llie commencement of Ihis Acl, except in so far as such use is permitted under '[section 385] of the ⁻[Kolkala] Municipal Acl, 1951, shall be deemed (o be an unauthorised change and shall be deall with under lhe provisions of this Acl.

(4) Notwithstanding any olher action that may be laken against any person, whether owner or occupier or both, contravening any provision of ihis section, the Municipal Commissioner may levy on such person in accordance wiih such scale as may be -^determined by regulations! [a] fine nol exceeding in each case rupees one hundred per square melre per monlh

Tor lhe area under unauthorized use throughout the period during which such coruravention continues.

(5) The Municipal Commissioner may, if lie deems fit, order that the unauthorized use be slopped forthwith:

Provided that before making any such order, the Municipal Commissioner shall give a reasonable opportunity to the person affected lo show cause why such order should not be made.

Wcsl Ben. Aci XXX111 or 1951.

(6) Any person aggrieved by an orderof the Municipal Commissioner under sub-seciion (5) may, within thirty days, from the dale of the order, prefer nn appeal against, the order to lhe Municipal Building Tribunal appointed under section 415.

(7) Where an appeal is preferred under sub-seciion (6), ilie Municipal Building Tribunal may slay the enforcement of lhe order on .such lerms, if any, and for such period as il may think fit:

Provided thai the fine levied under sub-section (4) shall noi be waived.

(S) Save a.s otherwise provided in this section, no court shall entertain any suit, application or oilier proceeding for injunction or other relief againsi the Municipal Commissioner to restrain him from taking any action or making any order in pursuance of llic provisions of this seclion.

(9) Every order made by lhe Municipal Building Tribunal on appeal and subjeel to such order, lhe order of the Municipal Commissioner under sub-section (5) shall be final and conclusive.

(10) Where no appeal has been preferred against an order made under sub-scclion (5) or where an order under Lhal sub-section has been confirmed oil appeal, whether with or wilhoul modification, lhe person against whom such order has been made shall comply with lhe same within the period .specified therein, or, as lhe case may be, wilhin ihc period, if any, fixed by the Municipal BuildingTribunal on appeal, and on lhe failure of such person lo comply wilh such order wilhin such

Power io prevent use of premises in particular arc ;is.

period, the Municipal Commissioner may require any police officer or any employee of the Corporation lo seal up such area after evicting all persons therefrom to prevent its further unauthorized use.

417. (1) The Municipal Commissioner may, subject to prior approval of the Mayor-in-Council, give public noiice of his intention to declare that in any area specified in liie notice, no person shall use any premises for any purpose specified in such notice and Tor reasons stated therein,

(2) Objeciions to any such notice shall be received wilhin a period of one month from the publication of the notice.

(Part VI.—Town Planning, Land and Land Use Controls.— Chapter XXIIf.—Regulation of Building Uses,—Sections 4 IS, 419,)

(3) The Municipal Commissioner shall consider all objections received wiihin the period as aforesaid, giving any person affected by [lie nolice ail opportunity of being heard during such consideration, and may thereupon make a declaration in accordance with llic noiicc published under sub-section (1), with such modifications, irany, as he may think Hi so however iliac iis application is not extended.

(4) Every sucli declaration shall be published in the *Official Gazette* **and in such other manner as lhc Municipal Commissioner may determine, and shall take cITcct from the date of its publication in lhc** *Official Gazelle.*

(5) No person shall, in any area specified in the declaration published under sub-section (4), use any premises Tor any purpose specified in the declaration, and lhe Municipal Commissioner shall have the power lo stop the use of any sueh premises by such means as he considers necessary.

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418. (I) No person shall, without [he previous permission in writing of the Municipal Commissioner or otherwise lhan in conformity with the condiiions, ir any, of such permission, use any premises in [1] [Kolkata] for (he purpose or a hospital, nursing home, clinic, polyclinic, diagnostic laboratory or such oilier institutional medical TaciliLyas may be specified by the Mayor-in-Council from lime lo lime.

(2) The Municipal Commissioner may refuse to give such permission iThe is or the opinion that lhe proposed premises is nol suitable for the purpose as aforesaid in view or criteria of hygiene and environmental saniialion.

Hospital, nursing home, clinic, clc., nol [o be established nil hum permission.

419. (1) No person shall, without the previous permission in writing or otherwise lhan in conformity with the conditions, if any, of such premises, or materially alter, enlarge or extend, any factory, workshop or intended to employ steam, electricity, water or other mechanical power:

Provided lhat no such permission shall be granted in coniravenlion or

(2) The Municipal Commissioner may refuse to give such permission if establishment, alieraiion, enlargement or extension of such factory, the proposed position—

(a) would be objectionable by reason of density or population in

(b) would be a nuisance to the inhabitants oflhe neighbourhood,

oflhe Municipal Commissioner permission, establish in any trade premises in which il is the provisions of scclion 425. he is of ihe opinion that the workshop or trade premises in Ihe neighbourhood thereof or

Factory, cic,, nol lo be established without permission.

[1]*See* foot-note *1* on page 573, *ante.*

(c) would be in contravention of any laud use control under this Acl or any oilier law for lhe lime being in force.

Ware I io uses, godowns, **goods (riinspon** business, cieĂnot **U> be** established **vviilumi** permission.

420. (1) No person shall, wilhoul [lie previous permission in writing of lhe Municipal Commissioner or otherwise lhan in conformity wilh lhe condiiion, if any, of such permission, use, or materially alter, enlarge, or extend lhe 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 or such carriers:

Provided that no such permission shall be granted in contravention of ilie provisions of seclion 425.

(2) The Municipal Commissioner may refuse lo give such permission if he is of lhe opinion that lhe use, or the alicralion. enlargement or extension of lhe use, of any premises as a warehouse or a godown or for running a goods transport business—

(a) would be objectionable due lo the traffic conslrninlN in lhe vicinity of such premises, or

(b) would be undesirable due lo 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 Ihe 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 uf goods as he may deem fit.

Ealing houses. cit;., nol lo be **established** wilhoul permission,

421. (1) No person shall, without the written permission of the Municipal Commissioner or otherwise than in conformity wilh the conditions, iT any, of such permission, use, or permil to be used, or materially alter, enlarge, or extend the use of, any premises for the purpose or establishing or keeping open an eating house, lodging house, hotel, boarding house, tea shop, cofTee house cafe, restaurant, refreshment room, snack shop, snack bar, sweet meat shop, liquor house, tavern, wine shop, beer shop, spirit shop, arrack shop, toddy shop, *gaiija* **shop,** *Bhang* **shop, opium shop, tobacco shop,** *bidi* **shop, cigarette shop,** *zardn* **shop, betel shop or be lei lear masalla shop or for the purpose of sale of** *dab* **or** *dab* **waler, or any place, where the public arc admincd for repose or cosumpiion of any food or drink or where food is sold or is prepared for sale '[for any sucii purpose, or any premises lei out to any person for performance or any sacred thread, marriage,** *anitaprasan* **or ,r***radii* **ceremony or marriage or death anniversary or similar other ceremony:]**

'Tlie words wilhin ihe square brnckcls were .sjb<:iituti;d for llic words "for any sucli purpose:" by s. 3!i of 1)11; Calculi j Municipal Corpomlion (Amendini;nl) Acl, 1997 (W_L'si Ben. Acl XXVI of l<W7).

Provided thai no such permission shall be granied in contravention of the provisions orsection 425.

(2) The Municipal Commissioner may al any lime cancel or suspend any permission under sub-scction (1), i T he is or the opinion lhai [lie premises covered by such permission are nol kepi in conformiiy willi llic condiiions or such permission or ihe provisions of any rules or regulations made in ihis beliair, whether the person is prosecuted under this Act or not.

422. (I) Noperxon shall, wilhoul the written permission oflhe Municipal Commissioner or otherwise than in conformiiy with lhe conditions, if any, of such permission, which shall be granted subject lo lhc provisions under scclion 425, use, orpermil to be used, or materially alter, enlarge or extend lhe use of any premises for lhe purpose of establishing or keeping open any Iheairc, cinema house, drive-in Iheatre or cinema house, circus, fair, fete, exhibition or dancing hall, or any olfier place of similar public resort, recreation or amusement for any such purpose:

Provided lhai nothing in this scclion shall apply to privale performances Thelites, circuses, eshihilions. **in any placc.**

(2) The Municipal Commissioner may specify any conditions for space for the vendors catering to llie public needs in connection with such nn<l places of public **amusemen t** nollo be established wi lhoui permission- **providing, wiihin the premises, purposes.**

423. (1) The Municipal Commissioner may, from lime lo lime and with Mayor-in-Council, notify that no new markel or shop or trading premises to abut on a calegory 1 or category II or category III street or portion permission, which shall be subject io the provisions of seciion 425, the prior approval of Lhe shall be established or kept open thereof, without his prior

(2) The Municipal Commissioner may refuse to give such permission with due regard to lhe traffic constraints in the vicinily.

(3) Notwithstanding lhe existence of any markets or shops on any such street, such refusal of lhe Municipal Commissioner shall be final.

424, (I) The Municipal Commissioner may, from lime to lime and with lhe Council, notify such other nonresidential uses of premises (including lhe one institutional building or an assembly building or a business building or a industrial building or a storage building or a hazardous building) as are nol and in the ease of which prior permission or the Municipal Commissioner provisions of section 425, for establishing, or materially altering, or of, any such premises. PcriTlisMt n in criso of oiliirr ni ease of non-residential uses nf premises. **markets,** shops, etc., along certain **[rank** corridors. **prior approval of the Mayor-in- for an educational building or an mercantile building or an provided Tor in this Chapter shall be necessary, subject to the enlarging, or extending the use**

(2) The Municipal Commissioner may refuse io give such permission in any ease on llie ground thai such use—

(a) would be objectionable by reason of lhe density of population in [lie neighbourhood, or

(b) would add 10 Lhc traffic constraints in the vicinity including parking spaces, for vehicles, or

(c) would not conform io other predominant uses in the neighbourhood, or

(d) would constitute a fire hazard, or

(e) would be a nuisance to the inhabitants of the neighbourhood, or

(f) in the case of a hospital or clinic would be harmful to the patients due io noise or an environment which poses a health hazard, or

(g) in the case of an educational building would deprive lhc students of playground facilities, or

on any other similar ground.

(3) Subject to any land use control under Ihis Act or any olher law for the lime being in force, the Municipal Commissioner's decision in refusing permission under this section shall be final.

Condiiions Tor gmnl of permission.

425. (1) In the ease or any premises for the use of which a licence or permission is required from Government or any statutory body under any law for the lime being in force, the Municipal Commissioner shall not grant any permission under this Acl lo any person until such person produces before Lhe Municipal Commissioner lhe licence or the permission from Governmeni or slaiulory body, as the case may be, and submits duly authenticated copies thereof lo him:

Provided that in lhc case where production of a municipal permission is a precondition for the granl of a licence or permission under any other law Tor the lime being in force, Ihe Municipal Commissioner may grant a provisional permission which shall become final only upon produclion of a I ieence or permission under lhe said law;

Provided further lhat such provisional permission shall have validity only for lhe purpose of fulfilling any precondition for the liccncc or the permission under any other law as aforesaid.

'CHAPTER XXIIIA Preservation and Conservation or Heritage Buildings

425A. Every owner or occupier or any heritage building declared as such by lhe Corporation shall maintain, preserve and conserve il and shall noi change its use in contravention of the provisions of this Act or lhe rules or ihc regulations made thereunder lor its maintenance, preservation or conservation.

Owner [o rmaimain. preserve and **conserve** heritage building.

Explanation I.—**The word "maintain", wilh ils 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, □ heritage building.**

Explanation II.—**"Owner" shall, notwithstanding anything contained elsewhere in this Act, include, for lhe purposes of this chapter,—**

(a) a joint owner or a heritage building vested with the power of management thereor on behair or himseir and any other joint owner, or successor-in-title of any such joint owner, or

(b) a manager, or trustee, vested wilh the power of management or a heritage building, orsucccssor-in-ofTieeof such manager or trustee.

425B. Where the Corporation, on the recommendation or the Heritage Conservation Committee and also or the Mayor-in-Council, is or the opinion thai any building in [j](KoIkata] should be preserved and conserved Tor historical, architectural, environmental or ecological purpose, it may dcclare 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. The gradation of a heritage building according to ils historical, architectural, environmental or ecological purpose shall be such as may be prescribed.

Gradation of heritage building.

Power or Corporaiion Lo declare a building ns n heritage building.

'Chapter XXIIIA was inserted by s, 3-t of tlie Calculla Municipal Corporation (Amendment) Aci, 1997 (Wcsl Ben. A« XXVI of 1997).

[j] *Sec* fool-note 2 on page 573, *ante.*

-425D. (I) The Mayor-in-Council shall constitute a Committee to be called the Heritage Conservation Committee with lhc Municipal Commissioner as its Chairman and an officcr 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 '[Kolkaia] Metropolitan Development Authority,

(b) one shall be the Director of lhe Department of Archaeology, Government of West Bengal, or his nominee,

(c) one shall be an eminent architect,

(d) one shall be an urliKl,

(e) one shall be an environmenialisi,

(Q one shall be a historian, and

(g) one shall be the Chic ("Valuer and Surveyor of the Corporation.

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(3) The Committee may co-opt one person io be nominated by lhe conccrncd department of the State Government while dealing wiih any land or building under the management of lhe department.

(4) The Committee shall, in accordance with lhe provisions of this Aci and the rules and lhe regulations made thereunder, scrutinize every application or proposal for declaration of a building as a heritage building, and recommend Lo, and also advice, the Mayor-in-Council in respect of the preservation and conservation of such building as a heritage building.

(5) The Commiuce 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 or a heritage building, provided that such measures shall be required lo be approved by the Heritage Conservation Committee at ils meeting.

425E. The Heritage Conservation Committee shall have the power io function independent of llie Municipal Building Committee for the purpose of preservation, conservation and maintenance of heritage buildings in so far as such power does nol offend any oiher provisions of this Aci or the rules made t/iereunder relating io construction or use of building:

Provided that for ereclion or re-creclion in a heritage building or part thereof, or for restoration of any heritage building lo ils old shape, design

*'Stv I'ual-noU: 2 on payc573. ante**

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10.1
Committee,

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or beauty in lhe ease of unlawful demolition, or for making any change of internal or external wall, structural pattern, flour, roof, interior or exterior architectural floor, facade or skyline, or for any othcrchange, of a heritage building, the provisions of chapters XXII and XXIII of this Act and the rules made thereunder shall apply *mutatis mutandis.*

425K. Subject to lhe other provisions of this Act, the Corporation may acquire, purchase or take on lease any heritage building for lhe purpose of preservation and conservation thereof.

Power up Corporation lo require, purchase or late on lease heritage building.

Provided that in the case of a heritage building declared as such Tor the coservntion as required under sub-clausc (ii) of clause (a) of sub-section (4) of section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979, the approval of ilie concerned department of the Slate Government shall be taken.

Wesl Hen. Act Xltl or 1979,

425G. When lhe owner of any heritage building is noi willing to preserve or conserve any heritage building, the Municipal Commissioner may, forthe purpose of acquisition of such heritage building by agreement and on (he recommendation of the Heritage Conservation Committee and wilh 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 or such heritage building in such manner, and subject to such conditions, as may be prescribed.

Transfer of righl of development for ihe purpose of acquisition by agree-ment,

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) Acl, 1979.**

Explanation 11.—**"Right of development of** *'A* **herilage 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. Subject to such rules or regulations as may be made under lhis Act, every person shall have the right of ncccss to any heritage building acquired by the Corporation,

Right or acccss io **hciiugii** building acquired by Corporaiion.

42SI. The Corporation shall have lhe righl to allow the transfer of righl of heritage building where the unexpired period or lhe term of lease is for 90 years, and to lake the heritage building on sub-lease by agreement, if there is provision for such sub-lease in Hie

Sub-lease of **heritage** building.

deed executed between ihe owner and the lessee, provided thai [he question of payment of premium or rem in such case to [he owner shall no[, notwithstanding any agreement in Ihis behalT, arise, and if liie owner as confirming par[y [o [he agreemcnl waives [lie right [o receive any further paymcn[of such premium or rem.

Permit inn of con-cerned department of Stale Government before jcquisilion or hcriUge building.

425J. [f llic Corporation considers lhat il is necessary Lo acquire any building declared as a heritage building Tor llie purpose of preservation and conservation as required tinder sub-clause (ii) of clause (a) of sub- scclion (4) of scclion 31 or lhe West Bengal Town and Country (Planning and Development) Aci, 1979, by agreement or under the Land Acquisition Aci, 1894, permission of lhc concerned Department of Lhe Slate Government shall be laken before such acquisition.

Power lo exempt rates and taxes, clc. on heritage building,

425K. If Lhe owner of a heritage building enters into an agreement wiih preserve and conserve such heritage building properly a[his own expenses, case, exempt wholly or partly the owner of such hcriiage-building from for supply of wilier or any oilier charge in respect of such heritage

Weil Bun, Act XII] of l'J75. I of JK9-1.

the Corporalion ID maintain, Lhe Corporalion may, in such payment of rales or taxes or Tees building.

Agreement willi owner of heritage building pending acquisition,

425L. (1) The Municipal Commissioner may, pending acquisition of a heritage building by Lhe Corporalion under this Act and wiih ihe approval of the Mayor-in-Council, propose to lhe owner of such heritage building io enter into an agreement wiih lhe Corporation for a specified period for the maintenance or such heritage building.

425M. (I) The Municipal Commissioner may receive voluntary coniributions towards Lhe cost of maintaining any heritage building and may give order as lo the management and application of such contributions for the purpose of preservation and conservation of such heritage building.

voluntary

organisation, person or

(2) Subjeel to the approval of lhe Mayor-in-Counci.1, the Municipal enmiaiiy. Commissioner may enter into any agreement wilh any person or voluntary organisation or company, whether incorporated or nol, willing lo preserve and conserve any heritage building on such terms and conditions as the Municipal Commissioner may determine.

425N. ^1) If the Municipal Commissioner, on rcceipt of any 'Hiking over information, is satisfied that the owner of a heritage building fails to "^"Sro![11] preserve or conserve lhe heritage building, lhe Municipal Commissioner hcriup; may, when lhe heritage building is vacant and tiflcr hearing |lie owner, by l>[u]'tlin£. order in writing, take over the management and control of such heritage building for the purpose of preservation and conservation thereof,

suspending the riglu of lhe owner to transfer such heritage building for a period uf five years, subject to acquisition either by agreement i or IS5M. or under the provisions of the Land Acquisition Aui, 1894.

(2) The Municipal Commissioner shall thereafter notify lhe heritage building for Idling ii out by agreement to any person as tenant Tor the purpose as aforesaid, and Ihe owner shall be entitled lo an amount equal to Hie reasonable letting value of lhe heritage building as rem less the cost on account of preservation and conservation of lhe heritage building.

4250. If ihc Corporation decides thai.any heritage building has ceased When Lo be of public inLeresi or has losi ils importance for any reason whatsoever, huMdiiig il may, wilh the approval of lhe Slate Government, declare lhat such erases io tw heritage building has ceascd lo be a heritage building for the purposes of building this Acl.

425P. (J) Any person who destroys, removes, alters, defaces or misuses Penally, any heritage building or docs any act, orabels in the commission thereof in contravention of any provision af this chapter or the rules or itie regulations made thereunder, shall be punishable wilh rigorous imprisonment for a term which may extend lo three years and also wilh Tine which may extend io fifty thousand rupees and, in default, wilh further rigorous imprisonmeni Tor six months.

(2) Any court convicting any person under lhis seclion sliali, by order, direct such person lo resLcre the heritage building lo ils former shape and beamy at his cost, and any failure to comply wilh such order shall be

deemed io be a continuing offence and such person shall be punishable wiih an uddilinrml fine or rupees [wo hundred and fifty for every day during which such contravention or failure continues after conviction for the first such contravention,

(3) Where an offcnce under [his section has been committed by a company, [he provisions of seciion 619 shall apply lo such company.

Exploitation.—**For lhe purposes of this section,—**

(a) "person" shall include an owner, occupier, lessee, mortgagee, consultant, promoter or financier who supervises or causes ereclion, destruction, removal, defacement or misuse of any heritage building, and

(b) "company" shall have lhe same meaning as in *lhe Explanation* **io section 619.**

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CHAPTER XXIV

Markets and Slaughter-houses

Provision of municipal **markets and** si aughtlm- b on sc.,

426. (L) The Municipal Commissioner, when authorised by lhe Mayor-in-Council in this behalf, may provide and maintain municipal niarkeis, slaughter-houses or stockyards' in such number as he thinks fit together with stalls, shops, sheds, pens and other buildings and conveniences Tor lhc use of persons carrying on trade or business in, or frequenting, such markets or slaughter-houses.

(2) Any municipal slaughter-house or municipal stockyard may be situated within or. wiih the sanction oT the Stale Government, outside '[Kolkata]. ■

(3) A municipal tnarkcL or a slaughter-house or a stockyard shall be under the control of [he Municipal Commissioner.

(4) Subject lo lhc orders or Lhe Mayor-in-Council. ilie Municipal Commissioner may, after giving general notice, close any municipal market or slaughter-house or stock-yard or any portion thereof on the date specified in the nolice; and [he premises occupicd for any municipal market, slaughter-house or stockyard or any portion [hereof so closed may be disposed of as the property of the Corporation.

Use of municipal **markets.**

427. (1) No person shall, without the general or special permission in writing of lhe Municipal Commissioner, sell or expose for sale any animal or article ill any municipal market.

(2) Any person contravening the provisions of sub-seclion (1), and any animal ur arliclc exposed for safe by such person, may hi: summarily removed from the market by or under lhe orders of the Municipal

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(Pan VI,—Town Planning, Uinri and Land Use Controls,— Chapter XXIV.—Markets and Slaughter-houses.—Sections 428-430.)

Commissioner hy a Police Officer or any officer or employee of the Corporation authorised by llie Municipal Commissioner in Ihis behalf.

Privuic murkcLs ;wil slaughter-houses,

***42*8. (1) No place other lhan a municipal market shall be used as a market unless such place lias been licensed as a market by the Municipal Commissioner under seciion 436.**

(2) No placc other lhan a municipal slaughter-house shall be used as a slaughter-house:

Provided lhat nothing in lliis stib-seciion shall be deemed—

(a) to restrict the slaughter of any animal in any place on the occasion of any religions festival or ceremony, subject lo such conditions (non-compliance wiih which shall be punishable under this Acl) as lhe Municipal Commissioner may, by public or special notice, impose in this behalf, or

(b) lo prevent the Municipal Commissioner from selling apart wiih lhe sanction of lhe 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 lhe owner or the occupier orany licensed private markel lo provide approach roads or passage or pave, drain or light lhe same or provide such conveniences for lhe use of persons resorting Lo such markets as lie may deem fit.

Prohibition or business and lr;i<Jc **near a market.**

429. (I) No animal or article shall be sold or exposed for sale by a hawker or squaiier wiihin a distance of forty-five metres from iheouiward confines of any municipal market or licensed private markel without the permission of the Municipal Commissioner.

(2) Any person contravening the provisions of sub-section (I) 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 lhe Corporation appointed by him in this behalf.

430. The Municipal Commissioner may—

Levy of stallage. rem and fee.

(a) charge such stallage, rent or fee as may from lime to time be fixed by the Corporation in this behalf—

(i) **for the occupation or use or any stall, shop, stand, shed or pen in a municipal markel or municipal slaughterhouse;**

(ii) **fur ihe righl lo expose articles for sale in a municipal market;**

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(Pari VI,—Town Planning, Land and Land Use Controls.— Chapter XXIV.—Markets and Slaughter-houses.—Sections 431, 432.)

(iii) for lhe use of machines, weights, scales nud measures provided for in any municipal market; and

(iv) for Lhe righl Lo slaughter animals in any municipal slaughter-house, and Tor the feed of such animals before they are ready for slaughter; or

(b) farm the stallage, rent or fee chargeable as aforesaid or nny portion thereof for such period as he may think fit; or

(c) put up to public auction, or dispose or by private saie, the privilege of occupying or using any stall, shop, stand, shed or pen in a municipal market or municipal slaughter-house for such period and on such conditions as he may Lhink fit.

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Slulkigu, rem, ciCr in be published.

431. A copy of the table of stallage, rent and fee, if any, chargeable in any municipal market or municipal slaughLer-house, and of the regulations made under this Acl for the purpose of controlling the use of such market or slaughter-house, primed in such language or languages as the Municipal Commissioner may direct, shall be affixed in sonic conspicuous place in the market or Lhe **slaughlcr-housc.**

Pmi'L'r io expel per\on contravening regulations.

432. (1) The Municipal Commissioner may, after giving the parlies 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, slaughterhouse or stockyard or occupying any stall, shop, standing, shed, pen or other placc thereon,

(c) close the stall or shop or the person found lo be in defaulL in payment of the stallages or rents or any other dues lo (he **Corporation till payment is made or recovered under** Lhe **provisions of lhis 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 Lhe **agent of the tenant or ihc owner or the lessee or 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** Lo **remove himself from such market or**

slaushier-housc wiihin such lime as may be mentioned in the requisition, and if such tenant or agenL fails 10 comply with such requisition, he may, in addition 10 any penalty which may be imposed on him under ihis Act, be summarily removed from sucli premises by the owner or the lessee thereof or by lhe servant of such owner or lessee.

(3) If ii appears to llie Municipal Commissioner that in any such case llie owner or llie lessee is acting in collusion willi a lenaiu or an agent, convicted as aforesaid, who fails to comply with any requisition under sub-seclion (2), lhe Municipal Commissioner may, if he thinks fii, cancel ihe licence of such owner or lessee in respect of such premises.

Depot for sale of esse ill iill commodities.

433. **The Municipal Commissioner may from lime to time, subjcct to such directions as he may receive from the Mayor-in-Council on ihe advice of ihe Slate Government, open depols or shops for trading in essential commodities.**

Power io **inspcci** plnecs where unlawful slaughter or nniuials, clc. ii suspected.

434. (1) **If lhe Municipal commissioner or any person authorised by him in this behalf has reason to believe lhat any animal intended Tor human consumplion is being slaughtered or thai the flesh of any such animal is being sold or exposed for sale in any place or manner not duly authorised under [hist Acl, he may, at any lime by day or night without notice, inspect such place for the purpose of satisfying himself as lo whether any provision of ihis Act or of any rule or regulation made thereunder is being contravened thcrcal 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-seclion (1).

(3) If, wiihin one manlh of sueh seizure, the owner of lhe animal, carcass or flesh fails to appear and prove his claim to the satisfaction of llie Municipal Commissioner or if the owner is convicted of an offence under Ihis Acl in respeci of such animal, carcass or flesh, the proceeds of any sale under sub-section (2) shall vest in the Corporalion.

(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 Ihis Acl may be arrested by any police officer without a warrant.

(5) No claim shall lie againsi any person for compensation for any damage neceessarily caused by any such enlry or by the use of any force necessary for effcciihp •siirh pmrv

CHAPTER XXV Municipal Licenccs

43S. (i) Except as hereinafter provided in lhis ACL, no person shall use or permit to be used any premises Tor any of the non-residential purposes meruioncd in schedule V wilhoul or otherwise lhan in conformity with ihc terms yT a municipal licence granted by the Municipal Commissioner so as not lo contravene the provisions of sub-section (2):

Premises nol LO BE USED for riou-rcsidtnlial purpose WlthOLII municipal licencc

Provided that no such municipal liccnce shall be given in rcspect of nny non-res id en Li nl use of a premises which is otherwise lhan in confonnily with lhe provisions of this Act or any oiher Jaw forthe lime tie ing in forcc or ihc rules or the regulations or orders made thereunder,

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(2) In case of a non-residential use of a premises for a purpose for which a liccnce or permission is required from Government or any siaiutory body under any law Tor Lhe lime being in force, no municipal licencc under lhis section shall be given until the licence or permission under the said law has been **produced before** Lhe **Municipal Commissioner, and duly authenticated copies thereof are submitted lo him:**

Provided that in lhe case where production of a municipal liccnce is a precondition for ifie gram or a licencc under any other law for the time being in force, the Municipal Commissioner may gram a provisional municipal licence which shall become final only upon production of a licencc or permission under the said law;

Provided further that such provisional municipal licence shall have validity only forthe purpose of fulfilling lhe preconditions of the licence under any other law as aforesaid.

(3) In specifying ilie terms of a licence granted under lhis seclion, the Municipal Commissioner may require [lie liccncee lo lake all or any of such measures as he may deem fit to guard against danger ID lite, health or properly or for the abatement of nuisance of any kind.

(4) The CorporaLion 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 differeni fees Tor different categories of non-res idcniinl uses in different areas of'[Kolkata]:

Provided that no such fees shall exceed rupees iwo 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) mailers connected wilh the display oI" licence, inspection of premises, powers of inspectors, and such other mailers.

(6) The Municipal Commissioner shall maintain two separate registers in such form and in such manner as may be prescribed so thai in respect of cach municipal licence granted under lhis scclion,—

(a) one register shall contain 'premiseswise' information on lhe non-residential uses, and

(b) one register shall contain such information, on basis or different 'non-residetvtial user groups', for factories, warehouses, medical inslitutions, educational institutions and others as may be prescribed.

436, (1) Notwithstanding any licencc required under seclion 435, the Municipal Commissioner may, wilh lhe prior approval of the Mayor-in- Council, grant lo any person a municipal licence to establish or keep open a private market on payment of such fees as may be determined by the Corporaiion by regulalion, and may specify such conditions consistent with lhis Act as he may deem til.

Municipal licencc for privaic murkcls.

(2) When the Municipal Commissioner refuses to grant any licence, he shall record a brief statement of ihc reasons for such refusal.

(3) The Municipal Commissioner may, with the previous approval of the Mayor-in-Council and for reasons lobe recorded in writing, suspend a licence in respect or 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 eloscd wilh effect from such date as may be specified in the order of suspension or cancellation.

437. (1) No person shall keep open for public use any market in respect of which a licence is required by or under lhis Aci without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled.

Prohibillon of keeping market open u'iilinuc liccncc, cic.

(2) When a licence to open a private market is granted or reused or is suspended or cancelled, lhe Municipal Commissioner shall cause a notice or such grant or refusal or suspension or cancellation lo be posted in such language or languages as he thinks necessary in some conspicuous place by or near the entrance to lhe place lo which lhe notice relates.

438. No person, who knows that any market has been opened to the public without a licence having been obtained therefor when such licence is required by or under Lhis Act or that lhe liccncc granted therefor is for

Prohibition of use of unlicensed markets.

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DISCOVERING LEGAL CLARITY

lhc time being suspended ur lhai il has been cancclled. shall sell or expose for sale any animal or article in such market.

Municipal ticcnec for liawking articles, clc.

439. No person shall, without or otherwise than in conformity wiih the terms of a licence granted by ihe Municipal Commissioner in this behalf,—

(a) hawk or expose for sale in any place any article whatsoever whether ii be for human consumption or not; or

(b) use in any place his skill in any handicraft or render services lo the public for llicir convenience for ihe purposes of gain or making a living.

COURT BOOK
ENGINEERING LEGAL CLARITY

Municipal liccncc far sale nf flesh, fish or poultry.

440. (1) No person shall, withoui or otherwise than in conformity with a licence from the Municipal Commissioner, carry on the Irade of a buichcr, fish monger, poulterer or importer of flesh intended for human food or use any placc Tor 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 die" animal is stamped in such manner as die Municipal Commissioner may, by general orders made in this behalf, require in token of the fact lhat ihe animal has been slaughtered in a municipal or licenced slaughter-house;

Provided further iltai no licence shall be required for any place used for sale or storage for sale or preserved flesh or fish contained in air-light or hermetically sealed receptacles.

(2) The Municipal Commissioner may, by order and subjeci to such conditions as io supervision and inspection as he thinks fit to impose, grant a municipul licence or may, by order and tor reasons to be recorded in writing, refuse to grant the same.

(3) The Corporation shall by regulation determine ihe procedure for the issue of licence and iis renewal.

(4) If any place is used for the sale of flesh, fish or poultry in contravention of lhe provisions of this section, the Municipal Commissioner may slop the use thereof by such means as he may consider necessary.

Power to slop u.sc of premises vised in conirjt'cniion of liccnccs,

441. (1) if the Municipal Commissioner is of the opinion that any premises is being used for a non-residential purpose without a municipal licence or otherwise lhan in conformity with the terms of a municipal licence grained in rcspcci thereof, he may slop 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 lo use a premises in contravention of the provisions of sub-section (1), ilie Municipal Commissioner may, notwithstanding any oilier action that may be taken ngainsl such person under iliis Aci, levy a continuing fine in accordance with lhe provisions of sub-section (4) of section 416.

General Powers

442. (I) The Municipal Commissioner may, by a written notice, require ihc owner of any building lo submit, within fifteen days from lhe dale or scrvicc of lhe notice, a signed statement with returns giving the following particulars with respcct lo such building or part I hereof:—

Power lo cII for returns on lands or **building s**

(a) total ptol area on which lhe building slands and the abuiiing open area;

(b) loial covered area of ihc building;

(c) dciuils of sub-division of the building into dwelling unils fluis or apartments;

(d) floor area under dffereni occupancies and nature of such occupancies in terms or the use or occupancy groups defined in this Act;

(e) any oihtr information lhat may be specified.

(2) The Municipal Commissioner may, by a separate notice require the occupicrof a building or any portion thereof to submit wilhin fifteen days from Ihc dale of servicc of the notice a signed staicmenl containing such in formation as may be required in ilie noiice for Lhe portion occupied by him,

(3) The Municipal Commissioner may, if Lhe owner fails lo submit the reiurn under sub-seciion (1), engage a Licenced 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 lhis Act.**

443. (1) The Municipal Commissioner or any officer or employee of Power io the Corporation authorised by liiiu in Lhis **behalf or any police officer**

eIL• or

may, at any Lime **by day or nighi, wilhoul noiice, inspect and exam i lie any food or drug or any utensil or vessel used Tor 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 lhe officer or employee authorised by him in lhis behalf, or lhe police officer unwholesome or unfit for human consumption, or is not whal it is represented io be, or iT any such utensil or vessel is or such kind or in such siaie as to render any food or drug prepared, manufactured or stored lhe rein unwholesome or

(Pai l VI.—-Town Phiimiitg, Land and Uiiui Use Controls.—
Chapter XXV/.—**Bus Lees.**—*Seel ions 444, 445.)*

unfit for hill nan consumption. lie may seize, seal or carry away such food or drug or utensil or vessel.

(3) If any food or drug seized tinder sub-seclion (2), is in lhe opinion of lhe Municipal Commissioner unfil Tor human consumption, he shall cause Hie same to be forthwith destroyed in such manner us to prevent its being again exposed for sale or used Tor human consumption and Lhe expense;; thereof shall be paid by Ihe person in whose possession such food or drug was al lhe lime of its seizure.

COURT BOOK
EMPOWERING LEGAL CLARITY

CHAPTER XXVI *Bustces*

444. The Corporation may define lhe external limit orany *busfee* and may, from lime to lime, alter such limits,

Power of **Corporatio n** io dflint anil io ulicr limil of *IlltStCl'-*

445. (1) Notwiihstanding anything contained in any olher law in force for the lime being, the Corporation may, with the approval of lhe Stale Government, prepare such improvement scheme for the purpose or effecting environmental or general improvement of *busmen* **ns it may consider necessary, and publish a copy of such scheme in such manner us may be prescribed.**

(2) The improvement scheme may provide Tor all or any of lhc following mailers:—-

(a) water-supply including sinking of tubewells, laying of water pipelines, installation of overhead reservoirs, flushing arrangements Tor privies and the like.

(b) drainage and sewerage including connections with any existing channel or sewer main or laying or diverting of drains,

(L) conversion of scrvice privies into scplic tank privies or water- borne privies connected with sewer mains,

(d) sewage and garbage removal,

(c) raising, lowering or levelling of land and improvement of pathways and passages,

(Q lighling including laying of cablcs or overhead lines,

(g) improvement of huls or other structures, and

(h) such olher matters as may be considered nccessary for carrying out the objects of this Chapter.

(3) While approving any improvement scheme, the Slale Government shall lake inlo account lhe activities oroiiieragency or authority affecting all or any of ihe matters referred lo in sub-seciion (2).

<146. (1) If, al any Lime, it bccomes necessary to acquire the righl of Acquisition **user in any land in or around any** *busies* **for lhe purpose of implementing of uscr"^" any improve men I scheme in respect ofsuch£/mee, llic Stale Government may, on the recommendation of lhe CorporaLion iri (his beha)/', declare by notification its intention io acquire such righl and invite suggestions or objections from persons likely to be affected thereby within such lime as may be specified therein.**

(2) Every suggestion or objection received in pursuance of the notification under sub-section (!) .shall be heard by the Municipal Commissioner after giving a reasonable opportunity mall persons affected lo make personal representations, if any,

(3) The Municipal Commissioner shall submit a report lo the Mayor- in-Council after the hearing as aforesaid and after making such enquiry in this behalf as lie may consider necessary.

(4) After considering lhe views of the Mayor-in-Council, ihc State Government may, by notification, dcclare that the righl of user in such land shall be acquired.

(5) On ihe date of publication of such declaration under sub-section (4), the righl of user in such land shall vest in the Corporation, free from all encumbrances.

447. Notwithstanding anything contained hereinbefore in this Chapter, Work io be the Municipal Commissioner may, for reasons of environmental sanitation,
cause the following work io be executed in any *bustee:*—

(a) **sinking of lubewells inside** *a bustee* **including laying of water pipe lines, installation of overhead reservoirs and other appurtenances necessary lo maintain flushing arrangements for privies and sewers,**
(b) **laying of drains or diversion of existing drains,**
(c) **conversion of service privies inlo connected privies or septic lank privies,**
(d) removal of sill from the sewers and sludge from Lhe seplic tanks inside a *bit.stee,*
{e) removal of solid or liquid wastes from lhe *bus tees* including cleansing of lhe deck or squaling platform or Lhe septic Lank or connected privies,
(0 repair work relating to any of the activities in items (a) to (e).

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COURT BOOK
POWERING LEGAL CLARITY

Effect of vesting MI right of user.

448. When llie right of user in any (and in or around **any** *bustee* **vests in lhc Corporalion under sub-section (5) of section 446, il shall be lawful for any person aulhorised hy the Corporalion in ihis behalf to cnler into or** upon **sucli land and do all things necessary for implementation of the improvement scheme in rcspect of such** *bustee.*

fur vesting.

449. Where Llie right of user in any land vests in (he Corporation under sub-section (5) of section 446. the Corporation shall be liable Lo **pay to the owner or** Lo **any other person, whose right** of **enjoyment in such lund has been prejudicially nffccLcd by reason of such vesting, compensation calculated at ten** *per cent,* **of the markel value or such land on the dale of notification under sub-section (1) of section 446,**

Survey of iut and **'jp.ir.ll ii'r** of iLLdrd-ol'-rigilts tie. by Corporalion.

'450. Subjeci to llie provisions of the -[Kolkaia| *Thika* **and olher Tenancies and Lands (Acquisition and Regulation) Aci, 1981, and, in pnrlicular, the provisions of section 25 of that Act, the Corporation may, in accordance with such directions as the Stale Governmeni may issue and on such lemis as the State Government may determine, undertake survey of** *busiees* **to prepare record-or-righls of tenants in respect of occupancy or land and** Lille **lo huls or other structures held by them under the Stale Government under seciion 6 of lhat Act, their size, description and location in relation lo streets, lanes, by-lanes and passages, the land revenue due to the Stale Government, the number of** *Bharalias* **and their names and addresses, the rents realised from them and the period or 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.**

Wcsl Ben. Acl XXXVIL of 198I,

Standard)uy(iji plan Tor develop-ment Clf *bustee.*

-450A. (1) The Corporalion, iT il considers thai u *bustee* **requires planned development or modification or alteration of lhe layout or remodelling for a public purpose as defined in the** *Explanation* **to sub- seclion (3) of scction 7 or the ^Kolkata]** *Thika* **and olher Tenancies and Lands (Acquisition and Regulnlion) Acl, 1981, may, after giving such nolice as may be prescribed, prepare a standard layout plan for such** *bustee* **in such manner as may be prescribed, and cause it Lo be published, with the approval oflhe Slate Government, in LheO^inVi/** *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-secLion (I), no new hul or structure shall be erected

in liic/jiM/tr and no addition loan existing building in ihc *bustee* **shall be ciiLtde until a standard layout plan for the/jH.Wee has been published under sub-scclion (1).**

(3) Where a standard layout plan for any *bustee* **lias been published, no new hut or masonry building shall be erected in such** *bustee* **and no addition lo an existing building, and no such change or use or land as does nol 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 sane lion of building plan as required under Lhis Acl and the regulations made thereunder.

Demolition in removal of building nol in conformity wilh standard layout plan in *bustee.*

'45011. Where a standard layout plan has been published for any *bust ee* **under sub-seciion (1) of seclion 450, lhe Slale Government may, under seclion 10 of the -| Kolkaia|** *Thika* **and other Tenancies and Lands (Acquisition and Regulation) Act, 1981, appoim the Municipal Commissioner as Controller to perform all the functions of a Controller under lhat Acl in respcci of such** *bustee,* **and, thereupon the Municipal Commissioner may, with lhe approval of the Slate Government and by wriLien noiice, 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 (he case may be, so as lo 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 lhe approval of the SlaLe Government, resume the land comprised in such** *thika* **tenancy with or wilhoul the building, if any, and lake possession of the land, subject to lhe proviso to sub-section (3) of seclion 7 of that Acl in regard Lo alternative accommodation to the** *thika* **tenants in actual occupation of lhe building and** *Bharatias,* **and payment or compensation as provided for in subsection (5) or section 8 of lhat Act and the rules made ihereunder.**

Wcsl 13cn. Act XXXVII of 1981.

COURT BOOK
UNCOVERING LEGAL CLARITY

Sanction or plan for **permanent** conjunction in huMcc.

'450C. Subject to the provisions or sections 450A and 450B, lhe Corporation may sanction building plans submitted by one or more *thika* **tenants, or by such person or authority as is referred lo in see lit in 27 of the -[Kolkata]** *Thika and* **otherTenanciesand Lands (Acquisition and Regulation) Acl, 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 hul and also for construction of new structure, in a** *bustee,* **the standard layonl plan for which has been published tinder sub-section (1) orseciion450A, in accordance with such regulations as lhe Corporaiion may make and on payment of such fee as the Corporaiion may determine:**

'Sec **fi'-;;; 'ivlc 3 on page AM,** *tunc.* ■*Si?* font-nolo *1* on pa^c 573, *mire.*

Provided lhat such building plans shall noi be submitted in piecemeal *- bui shall constitute a total packagc of proposals for new construction covering □ substantial land area comprised in lhe *bustee* **and including physical development thereof as contained in the standard layout plan, and conforming to the character and physical paiiern of development and use of land as outlined in lhe standard layout plan, so as to represent faithfully a substantial pan or the whole towards planned development in a phased manner:**

Provided further thai such building plans shall nol be treated as valid unless accompanied by a written undertaking to comply with the provisions of sub-section (2) of seclion [1 of lhe'[Kolkaia] 77ii"A« andotherTenancies and Lauds (Acquisition and Regulation) Act, 1981, regarding restoration of possession or aecommdaiion of *Bharatias* **in the reconstructed, renovated or newiy built building or structure.**

Wesl Ben. Act XXXVII **or mt.**

COURT BOOK

PART VII

COMMUNITY HEALTH

CHAPTER XXVII "

Vital Statistics

OITecr-in-chargc and oiher officcr for registration <jf births and deaths occurring in '[Kolkata].

[45I. (1) The Chief Municipal Health Officcr .shall be lhe officer-in- chargc for registration of all births and deaths occurring in '[Kolkata].

(2) The Municipal Commissioner shall, Tor lhe purposes of this Chapter, appoint Register of births and deaths for each Borough as lie deems necessary, and define the respective areas which shall be under the charge of such Registrar.

■'452. Euch Registrar appoinlcd under sub-seciion (2) of scclion 451, shall keep himself informed or every birlh or death occuring wilhin 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, or lhe rules made thereunder.

Dalies of ihc Registrar for rcgislmliun of births and deaths.

J453. (1) Subject to the provisions of Lhe Registration of Birlhs and Deaths Act, 1969, or the rules made thereunder, the Corporation shall cause necessary registers and books to be maintained Tor entering the data relating lo births and deaths.

IB of 1969.

'See Iboi-nolc 2 on page 573, *nine.*

Registers to be maintained.

-Scclion '151 was substituted for the original by s. 15 of the Calcutta Municipal Corporaiion (Amendmenl) Acl, 2001 (Wcsl Ben, Acl VII] of 2001).

Scclion-152 was suhsliluled for lhe original by 5. 1 (0, *ibid,*

'Seclion 453 was substituted for ihe original by y> 17. *ibid.*

(2) On an application from a person interested, (he Registrar, as specified in sub-section (2) ofsection 451, shall issue an extract from any entry in n register. Tree of charge, if llic event is regislered within stipulated period as specified in section 457. If the registration is not, completed within the specified period or registation, it shall be done under scction 18 of L%9. **13 of the liegistration of Births and Deaths Act, l%9.**

Registration or name of child *or* of alteration or name.

454. (I) When the birth of any child has been regislered and the name, if any, by which it was registered, is altered or, if il was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring sucii name to be altered or given may, within sixty months next after lhe registation of the birth, deliver to the '[Registrar specified in sub-section (2) of seciion 451] of the area in which the birth was registered, such certificate as hereinafter mentioned, and ihe '[Registrar specified in sub-section (2) of scction 451J upon the receipt or the certificate shall, without any erasure of the original entry, forthwith enler 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 Lo be given or altered.

Correction or errors in registers of births or **ik ullis.**

455. (1) Any clerical error which may al any time be discovered in a register of birlhs or in a register of deaths may he corrected by any person authorised in this behalf by the Municipal Commissioner.

(2) An error or Tact orsubslance in any such register may becorrccted by any person authorised as aforesaid by entry in llie margin, without any alteration of the original entry, upon production LO **the Municipal Commissioner, by lhe person requiring such error to be corrected, or a declaration on oath setting forth lhe nature of the error and lhe faci oflhe case, made before a Magistrate by two persons required by this Act to give information conccrning the birth or death with reference to which the error has been made or, in default of such persons, by iwo 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.

'The U'OfJs. figures and brackets williin the square brackets were substituted for lhc word "Registrar" by s, 18 of Llic Calculla Municipal Corporation (Amendment) Aci. 200 L **(WL-,41 BEN.** Act V1LI of **2001).**

Irriorjnmio n of bmhs.

456. Il shall be the duly oT Ihc father or mother of every child bom in '(Kolkaia) and, in default of lhe father or mother, of any relation or the child living in the same premises and, in default of such relalion, of Hie person having charge of the child to give, to lhe best of his or her knowledge and belief, -[to the Registrar, as specified in sub-section (2) of section 451, of the area wilhin iwenly-oiie days from ths dale of such birth information containing such particulars as specified in the Registration of Births and Deaths Act, I %9, or ihc rules made thereunder:]

Provided thai—

(a) in the case of an illegitimate child, no person shall, as father **of** such child, be required Lo give information under this Act concerning the birlU of such child, and lhe Registrar shall noicnLer in the register book the name of any person as father or such child except QL Lhe joint request of the mother and of lhe person acknowledging himself lo be the father of such child; and such person shall in such case sign the register together with the mother;

IS of IVffil.

(b) a person required to give information only in default of some other person shall noi 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 bom in a hospital or a nursing home or a maternity home, none but the officcr-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 [J][offieer-in- chargej may from time Lo **time spccify.**

tnformalio n res peeling finding til new-born child.

457.]n case any new-born child is found exposed, il slmll be the duly of any person finding such child and of any person in whose charge such child may be placed lo give, to lhe besi of his knowledge and belief, ""|to the officer-in-charge. as specified in sub-scction (I) of section 451, or lo the Registrar, as specified in sub-sectiou (2) or scclion 451, wiLhin twenty- one days after lhe finding of such child,] such information of the particulars required to be registered concerning lhe birlli of such child as lhe informant possesses.

'See fooi-nolc 2 on page 57,1. *onte.*

ntic words, figures and brockets wilhin ihe square bracket* were substituted Tor (he words "In ilie ticgisirarof the ucn concerned willlin eight days aficr.siKh binh information containing sutli particulars as nuy bcpresciibed in lhis buhulf:" by s. I [L]J(ri) of the Calcutta Municipal Corporaiion (Amendment) Aci. 2P0I (Wcsl IJcn. Aci VIII uf 20011,

'Tile word within ilit' >t|u;irc brackets nas .substituted for die words "Chicr Registrar" by 19(b). *ibid.*

[J]The words, figure unit brackets wilhin ihc square bmckcls were substituted Tor the words "to ihc Chief Registrar or Registrar, wilhin eight days ;ifier ihc finding of such child." by s. 20, *ibid.*

458. **Ii** shall be Lhe duly of Lhc nearesi **relation** present at **lhe** time **or** the dealh or in attendance during the lasi illness or any person dying in '[Kolkaia] and, in default ol' sucli relation, of any person present or in aiiendance al the time of the dealii and of the occupier of Lhe premises in which lo his knowledge ihci dcuLh Look placc and, in defiiull of lhe person hereinbefore mentioned, of each inmate or such premises and or Lhe undertaker or olher person causing lhe corpse of the deceased person to be disposed of io give, to ihe best of his knowledge and belief, to the Registrar of [he area wiihin which Lhc death look place information con la in in g such particulars as may be prescribed in Ihis behalf wiihin twenty-Tour hours of ils occurrence:

Information regarding deallis.

Provided thai—

(a) if the cause of death is known to be a dangerous disease, the information as aforesaid shall be given wiihin twelve hours or ils occurrcncc;

(b) if lhe dealh or any person occurs in a hospital or a nursing home or a maternity home, it shall be lhe duly of none but the medical officcr or oLlicr officcr-in-charge thereof to forward forth wiih a report or such death in such form as the -[officer-in-charge as specified in snb-seciion (1) or section 451] may from time Lo lime speciry.

COURT BOOK
EMPOWERING YOU, CONSTANTLY

459. **In** Lhc **ease of a person who has been attended in his last illness by a duly qualified medical practitioner, such praciiiioner shall, wiihin lliree days of his becoming cognisanl of lhe dealh or such person, sign and forward lo the -'[orficer-in-charge as specified in sub-seclion (1) of scclion 451] a ccrtificaLc of the cause of such person's dealh in such form as shall from lime** Lo Lime **be specified by the Municipal Commissioner in this behalf, and Ihe cause or dealh as staled in such cerlifiealc shall be enlered in the regisier togelher wiih Ihe name** or Lhe **certifying medical praciiiioner.**

460. **It shall be lhe duly ol'lhe police lo convey every unclaimed corpse lo a regislered burial or burning ground or olher place for disposal or** Lhc **dead or Lo a duly appointed mortuary and, thereafter, to inform lhe Registrar wiihin whose jurisdiction such corpse was found.**

Medical praciiiioner lo certify cause or dcaili.

4G1. A sexlon or a keeper of a regislered burial or burning ground or olher place for disposal of the dead, whether siluated in '[Kolkaia] or not, shall not bury, bum or otherwise dispose of or allow lo be buried, burnt or

Duties of police in regard lo unclaimed corpses,

Sex ions, eic,, nol io bury, clc., corpse.

'Sue Fool-nole 2 on page 573, *utiiu.*

Tile words, figures ;ind brackcls wiihin the square brackcls were substituted Tor ilic words "Chief Registrar" by _s. 21 or [lie Calculla Municipul Corporalion (Amendment) Acl. 2001 (Wcsl lien. Acl Vlll of 2001).

'The words, figures and bracken wiihin llie square brackcls were subsliuilcd for lhc words "Chief licgislrar" by s. 22, *ibid.*

COURT BOOK
EMPOWERING LEGAL CLARITY

otherwise disposed of the corpse unless such corpse is accompanied by a certificate in sucli form us in ay be prescribed and signed by a Regis Irar appointed under section 451 or by a registered medical practitioner or any other medical practitioner authorised by lhc State Government in this behalf.

COURT BOOK
EMPOWERING LEGAL CLARITY

CHAPTER XXVIII

Disposal or lhe Dead

Reuisirruion 462. (1) Every ownerar person having lhe control oTany place already SLSiTof^ use^ f^{or} burying, burning or otherwise disposing of the dead but which is ihe dead, nol vested in or owned by the Corporation or a Board appointed by the Stale Government Tor administration of such plftcc shall apply to the Municipal Commissioner within a period of three months from [he commencement of [his Aci to register lhe same and lhc Municipal Commissioner shall cause the same to be registered.

(2) Such application shall be accompanied by a plun, bearing llie signature of ;i licensed surveyor in token of ils having been prepared by or under the supervision of such surveyor, of the place to be registered, showing Lhc locality, boundaries and extent of Lhe same. The application shall also contain informal ion as regards llie name of ilie owner or person or community interested therein, Lhe sysicm of management and such further particulars as Lhc Municipal Commissioner may require.

(3) The Municipal Commissioner may, on rcccipt of such application and plan, register the said place in a register which shall be kept Tor this purpose.

(4) The Municipal Commissioner shall cause to be deposiied in the officc of the Corporation at the lime of registration lhe plan referred lo in sub-seclion (2).

(5) If Lhe Municipal Commissioner is not sal is Tied with Lhe plan or statement or particulars, lie may refuse or postpone registration until his objections have been removed.

(6) Every placc vesting in the Corporation or a Board appoinicd by the State Government for adminisiration of such place used for burying, burning or otherwise disposing of the dead shall be regislered in lhc register kept under sub-seclion (3) and shall be classified as public or privnie, and a plan showing Lhe locality, extent and boundaries thereof and bearing ihe signature of an officer authorised by the Municipal Commissioner in Ihis behalf shall be deposited in the office of the Corporation.

(Pari VII.ₒ Community Health.—Chapier XXVIII.—Disposal of the Dead.ₒ Sections 463-466.)

Provision for and i ,il ion of new places for **disposal of** llic dead.

■463. (!) If any existing place for lhe disposal of Ihc dead al any lime appears io 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 [23] [Kolkata], and shall cause lhe same to he registered under the provisions of this Chapter.

(2) All the provisions of this Actor lhe rules or (he regulations made (hereunder shall apply (o any plaec provided under sub-section (1) outside '[KolkalaJ and vesting in lhe Corporation as if such place were situaled within '[Kolkata],

COURT BOOK
EMPOWERING LEGAL CLARITY

Permission for opening new plaee fur disposal of ihc ik;id **or reojvniny** of phec.

464. (1) No place which has not previously been lawfully used or registered as a place for the disposal or the dead shall be opened by any person for the said purpose except in conformity with the provisions oT Die Wesl Bengal Town and Country (Planning and Development) Acl,]979 and wilhoul the written permission of the Municipal Commissioner who. wilh the approval of lhe Mayor-in-Council, may grant or withhold such permission.

West Ben, Aci Xlll or 1979.

(2) Such permission may be subjeel to such conditions as lhe Municipal Commissioner may ihink fit io impose Tor the purpose or preventing any annoyance lo, or danger lo ihc 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.

Power io require closing of burning and burial grounds.

465. (I) Where liie Municipal Commissioner, afier making or causing lo be made any local enquiry, is of lhe opinion lhat any burning or burial ground or oiher place for the disposal of the dead has become offensive lo, or dangerous to the health of, persons residing in lhe neighbourhood or for any oiher reasons tube recorded in writing, he may, wilh the previous approval of ihe Mayor-in-Co:incil and by notice in writing, require (he 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 or at lhe burning or burial ground or place in respect of which a notice has been issued under this seclion.

Power io direct reopening of .my pi.ice closed for ihc disposal of Ihc jfjd.

466. (1) If, at any lime after personal inspeclion, the Municipal Commissioner is of the opinion that any place formerly used for lhe disposal of the dead, which has been closed under the provisions of lhis Chapier or under any other law or authority, has by lapse or lime become no longer injurious lo health and may wilhoul inconvenience or risk or danger be again used Tor ilie said purpose, he may submit his opinion as aforesaid with the reasons therefor to the Mayor-in-Council.

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[23] *Sct'* fom-nolc 2 nil ni"r *(mrr.*

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EMPOWERING LEGAL CLARITY

(2) Upon receipt or such information, lhc Mayor-in-Council, after such furlher enquiry, if any, as il shall deem fit io cause to be made, may direct that sucli place be reopened for lhe disposal of the dead.

Prohibitions **regarding** burials wiihin placcs of worship and cxlummlion.

467. (1) No person shall, wilhoui Lhe written permission or Lhc Municipal Commissioner under sub-section (2),—

(a) make any vault or grave or inlerment 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 builL or dug any grave or vault, or in any way dispose or, or suffer or permit to be disposed of, any corpse at any place which is not regislered under ihis Chapter;

(d) exhume anybody from anyplace for the disposal of the dead except under the provisions oT the Code of Criminal Procedure, 1973, orany other law for the time being in force,

(2) The Municipal Commissioner may in special eases grant permission for any of Ihe purposes as aforesaid, subjeci Lo such general or special orders as ihe Slate Government may from lime to time make in Lhis behalT. 2 of 197*1,

(3) Any contravention or lhe provisions or sub-section (1) shall be deemed to be a cognizable offence wiihin lhe meaning or lhc Code or Criminal Procedure, 1973.

Acls prohibited in connec-tion with disposal of dead,

468. No person shall—

(a) retain a corpse on any premises, wilhoui burning, burying or otherwise lawfully disposing or Ihe same, Tor so long a lime after dealh as lo create a nuisance;

(b) carry a corpse or pari or a corpse along any street without having and keeping the same decently covered or without taking such precautions lo prevent risk of infection or injury

■ **to lhe community health as the Municipal Commissioner may by public nolice, from lime lo lime, think fil Lo require;**

(c) except when no other route is available, carry a corpse or pari of a corpse along any street along which Lhe carrying or corpses is prohibited by a public nolice issued by lhe Municipal Commissioner in lhis behalf

(d) remove a corpse or parL or a corpse, which has been kepi or used Tor purpose of disseciion, otherwise, lhan in a closed receptacle or vehicle;

(c) while conveying a corpse or pnrt or ;i corpse place or leave the same on or near any slreel without urgent necessity;

(0 bury or cause to be buried any corpse or part or a corpsc in a grave or vauk or otherwise in such manner as may cause Ilie surface or llic col li n or, wlien no coffin is used, or the corpse or part of the corpse to be al a deplli or less lhan 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 al u distance of less lhan one half of a meire from the margin or any oiher grave or vault:

(h) build or dig, or cause to be built or dug, a grave or vault in any burial ground in any line not marked out for this purpose by or under ihc order of the Municipal Commissioner;

(i) wilhoul llic written permission of die Municipal Commissioner reopen, forilie interment of a corpsc or of any pan ol a corpsc, a grave or vault already occupied.

469. (1) Whenever any animal in charge orany person dies, the person in charge thereof shall, within tweniy-four hours, either—

Disposal of de;id animals,

(a) convey the carcass to a place provided or appointed for this purpose under this Acl for [lie final disposal of carcasses or dead animals, or

(b) give noiice ol' lhe death lo the Municipal Commissioner whereupon he shall cause lhe carcass io be disposed or.

(2) In respeel or the disposal of lhe carcass of a dead animal under clause (b) **of sub-seciion (1), the Municipal Commissioner may charge such fees as may be determined by the Corporation by regulations.**

CHAPTER XXIX Restraint of Infection

470. It shall be lhe duly or the Corporation lo lake such measures as are neccssary for preventing or checking the spread or any dangerous disease in '[Kolkaia] or of any epidemic disease among any animals there in.

Corporation [ft take mea-sures Tor prevention and checking of dangerous diseases.

471. Any person being in charge of, or in attendance, whether as a medical praclilioner or otherwise, upon, any person whom he knows or has reason lo believe to be suffering from a dangerous disease, or being the owner, lessee, or occupier ol'any building in which he knows lhal any such person is so suffering, shall forthwith give information respecting lhe existence or such disease to lhe Municipal Commissioner.

Obligation lo give information oT dangerous disease.

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Power of **Municipal** Commissioner Iti inspect a pJacc und take measures lo pre vein spreaJ ol" d;ingcrou£ **disease.**

472. The Municipal Commissioner may at any Lime, by day or by night and wilhoui notice or after giving such noiicc of his intention as shall, in the circumstances, appear lo him lo be reasonable, inspect any place in which any dangerous disease is '[reported] orsuspecved loexisl, and take such measures as he may think fit io prevent the spread of such disease beyond such place, and shall forthwith submit a reporl Lo the Slate Govern men i.

Power of **Municipa l** Cummissio ncT lo rein uvc p;iiicnl to hospital in certain eases.

473. (t) If, in the opinion of lhe Municipal Commissioner, any person is suffering from a dangerous disease and is wilhoui proper lodging or accommodation or is lodged in such manner that he cannot be effectually isolated to prevent llie spread of any infection, and the Municipal Commissioner considers thai such person should be removed loahospilal or to a placc at which pa Lien is suffering from such disease are received for medical treatment, he may direct orcausc Lhe removal of such person lo sueh hospital or placc;

Provided thai any cosi incurred for such removal or for treatment of such person shall be bome by the Corporalion:

Provided further lhat if such person is a fem.tlc, she shall nol be removed LO such hospital or place if there is no accommodation Lherc for females.

(2) Every direction under sub-section (1) shall be obeyed by ihe person to whom such direction is given.

Power or Municipal Commissioner lo disinfect building, lank, puol or well.

474. (1) If lhc Municipal Commissioner is of llie opinion lhai lhe clcansing or disinfection of any building or any pari thereof or of any arlicles in such building or part Lhereof, which are likely to retain infection, or Lhc renewal of flooring of any building or pari (hereof or lhe renewal or plastering of the walls thereof or lhe disinfcclion of any tank, pool or well adjaccnt Lo a building would lend to prevenl or check the spread of any dangerous disease, he may by notice require the owner or occupier Lo cleanse and disinfect such building or pan thereof or article or tank, pool or well or lo renew such flooring and, if necessary, such plastering also within such time as may be specified in Lhc notice.

(2) The Municipal Commissioner may, iT he thinks fil, causc such cleansing or disinfection Lo be done by employees of the Corporation and may require [he occupier of such building or part thereof io vacalc the same for such time as he may specify in a written notice.

'Tlii: word wiilun lhe square brackcls wcr^ jiubsliluled for the ward "rcpulcti" hy S. 40 of lhe Calculla Municipal Corporalion (Second Amendment) Acl, 19S4 (West Ben. Acl Xlll of I9K4).

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(3) The cost **of cleansing or disinfecting under** sub-scclion **(2) sh nil be paid,—**

(a) in [he case of any building or any part thereof or any article contained therein, by ihc occupier of sueti building or pan thereof, and

(b) in the case of any tank, pool or well adjacent to a building, by lhe 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 Lhe opinion of the Municipal Commissioner, such occupier or person oi owner is, owing Lo poverty, unable Lo pay Lhe cosL, the Municipal Commissioner may direct the payment thereof io be made from the Municipal Fund.

475. (1) Where lhe destruction of any hut or shed is, in the opinion of the Municipal Commissioner, necessary to prevent the spread of any dangerous disease, lhe Municipal Commissioner may by noticc in writing require lhe owner to destroy the hut or .shed and the materials (hereof within such lime as may be specified in the noiice.

Power of **Municipal** Commissio-ner [o deslroy **infectious** liuls or sheds.

(2) Where the Municipal Commissioner is satisfied that the destruction of any hut or shed is immediately necessary Tor lhe purpose of preventing the spread of any dangerous disease, he may order lhe owner or occupicr of lhe hut or shed to destroy lhe same Torthwilhormay himself cause it to be destroyed after giving not less than six hours' noiice to lhe owner or occupier,

(3) Compensation may be paid by the Municipal Commissioner, in such case as he thinks fit, to any person who sustains subsiantial loss by (he destruction of any such hut or shed, but, except us so allowed by lhe Municipal Commissioner, no claim for compensation shall lie for any loss or damage caused by the exercise of any power under lhis section.

476. The Municipal Commissioner may, on being .satisfied that it is in lhe public interest so to do, by written orderdircct lhat any lodging house or any place where articles or food and drink are sold or prepared, stored or exposed for sale, being a lodging house or place in which a cose of a dangerous disease exists or has recenily occurred, shall be closed Tor such period as maybe specified in Lhe order:

Power of Municipal Commits tuner lo **lodging unci** eating **house*.**

Provided Lhal such lodging house or place may be declared to be open if Lhe Chief Municipal Health Officerceriifies lhal il has been disinfected or is free from infection.

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PmvL-r.of Municipal Commissioner io reslrii;! nr prohibit s;ik of food or drink,

477, When '[Kolkata] orany part thercofis visited or threatened by an outbreak of any dangerous disease, llic Municipal Commissioner may, by public notice, restrict in sucli manner or prohibit Tor such period as may be specified in the notice llic sale or preparation of any article of food or drink for human consumption specified in the noiicc or the sale of any flesh of any description of animal so specified.

Comri'l over we Ik and irinks, clc.

47S. (I) Iflhe Municipal Commissioner is of Hie opinion lhat the watcr in any well, tank or oilier place is likely, if used for drinking, lo-[endanger], orcausg the spread of, any disease, lie may—

(a) by public nolice prohibit the removal or use of such water for drinking; or

(b) by nolice in writing require the owner or person having control of sucli well, tank or place tolakc such steps as may be directed by llie notice to prevent (lie public from having access m or from using .such water; or

(c) take such olher steps as he may consider expedient to prevent the outbreak or spread of any such disease,

(2) In the event of '[Kolkata] or aiiy pi;rl (hereof being visited or threatened by an outbreak of a dangerous disease, ihe Municipal Commissioner or nay person authorised by him in lhis behalf may, wilhoui nolice 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 lake sueh steps as lie may ihink fit to ensure lhc purity of llie water or to prevent the use of the same for drinking purposes.

Special measures in case of **aulbNuk or** dangerous **or epidemic diseases.**

479, (1) In the eveni of'[Kolkata] orany part thereof being visited or threatened by an outbreak of any dangerous disease among the inhabitant thereof or or any epidemic disease among any animals therein, the Municipal Commissioner, if he thinks lhat the other provisions of Lhis Act and lhe provisions or any other law for llic time being in force are insufficient for the purpose, may, with the previous sanclion of the Mayor- in-Council,—

(a) take such special measures, and

(b) by public nolice, give such directions to be observed by the public or by any class or scction of llie public,

as lie lliinks necessary to prevent the outbreak or spread of the disease:

'Set! fool-nole *1* on page 573, unit'.

"l hc word within die square brackets was substituted Tor tlic word "engender" by s, -II of ihe Calcutta Municipal Corporation (Second Amendment) Aci, 19S4 (Wesi Bci). Acl XIIJ of 19K-J).

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Provided lhat where, in Ilie opinion of lhe Municipal Commissioner, immediate measures arc necessary, he may take aclion without such sanction as aforesaid and. ir he does so. shall forihwiLh report such aclion to the Mayor-in-Council.

(2) No person shall commit a breach of any direction given under sub-section {I) and iT he does so, he shall be deemed io have committed 45 of i860. **an olTence under scclion 188 of ihc Indian Penal Code.**

Disposal of infcclious corpses.

480. Where any person has died from any dangerous disease, the Municipal Commissioner may, by noticc in writing,—

(a) require any person having charge of lhe corpse lo convey Lhe same to mortuary thereafter lo be disposed or in accordance with law, or

(b) prohibii the removal of corpses rrom the place where death occurred except for the purpose of being burnt or buried or being conveyed ID a mortuary.

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Means for disinfection.

481. (i) The Municipal Commissioner shall—

(a) provide proper places wilh accessary 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 ariiclcs brought Tor disinfection to be disinfected either free of charge or on payment, of such charges as he may fix.

(2) The Municipal Commissi oner may noiify places at which articles of clothing, bedding and conveyances or other ariiclcs which have been exposed to inaction shall be washed and if he docs so, no person shall wash any such thing at any place not so notified without having pre\ iously disinfected such thing.

(3) The Municipal Commissioner may direct lhe 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.

Special eonvcyancc for carrying of in Ceded persons.

482. (1) The Corporation may provide and maintain suitable conveyances Tor free carriage of persons suffering fiom any dangerous disease or of dead bodies of persons who have died of any such disease.

(2) When such conveyances have been provided, il shall not be lawful, wiihout the sanction of the Municipal Commissioner, io carry any such person or dead body, or, for any such person to cause himsel f to be carried, in any other public conveyance.

483. (1) Whoever—

(a) uses a public convey.incc while suffering from a dangerous disease, or

(b) uses a public conveyance for ihe carriage of a person who is suffering from any disease, or

(c) uses a public conveyance for the carriage of lhc corpse of a person who has died of any such disease,

[West Ben. Act 828

shall be bound to lake proper precautions againsl lhe communication of llie disease to olher persons using or who may (hereafter use the conveyance and lo notify such use io lhc owner, driver or person in charge of lhe conveyance and report wilhoui delay to lhc Municipal Commissioner the number of the conveyance and the name oT the person so noli Tied.

Co n lam in a- liort and disinfection **or public** eotitev.inci:.

(2) Where any person suffering from or lhc corpse of any person who I MS died of a dangerous disease has been earned in public conveyance which ordinarily plies in '[Kolkaia] orany pan thereof, ihe driver thereof shall forthwith report the fact to lhe Municipal Commissioner who shall forth wiih cause lhe conveyance lo be disinfected if that has noi already been clone.

(3) No such conveyance shall be again brought into use until the Chief Municipul Health Officer has granted a certificate staling lhai it can be used without causing risk of infection.

(4) Whoever fails to make io the Municipal Commissioner any report which he is required lo make under this section shall be guiliy of an offence.

Driver of conveyance DDI twund lo carry **persons** suffering from dangerous **disuse.**

484. Notwithstanding anything contained in any law for the lime being in force, no owner, driver or person in chnrgc of a public conveyance shall be bound io convey or lo allow to be conveyed in such conveyance in or in the vicinity of '[KolkaiaJ any person suffering from a dangerous disease or the corpse of any person who hits died from such disease unless such person pays or tenders a sum sufficient to cover any loss and expen.se which would ordinarily be incurred in disinfecting Lhe conveyance.

Infected building nol id be let **without** being first **disinfecte d.**

4S5. (I) Whure any building or part ora building is intended io be lei and in which any person has, wiihin six weeks immediately preceding, been suffering from u dangerous disease, the person leuing ihe building or pari thereof shall, before doing so, disinfect the same in such manner as lhc Municipal Commissioner may by general or special notice direct together willi nil articles therein liable to retain infection,

(2) For ihe purposes of this seciion the keeper of a hotel, hostel lodging house *orsarai* **shall be deemed lo let lo any person, who is admitted**

'i't-f finil-noie 1 on j>'j;;e 573, wire.

as a guest therein, thai part or ihc building in which such person is permitted to reside.

486. (I) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of lo another person any article or thing which he knows or has reason lo believe has hecn exposed lo contamination by any dangerous disease.

(2) Nothing in sub-scclion (I) shall apply io a person who transmits, with proper precautions, any such article Tor the purpose of having the same disinfected or medically examined.

Disposal of in fccled ;i nicies **without** disinfection.

487. (1) No person shall send or lake to any washerman or lo any laundry or to any placc set aparl for lhe exercise by washermen 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 inTcetion from a dangerous disease unless such cloth or arliclc has been disinfected by or to the satisfaction of the Municipal Commissioner.

(2) The occupier or any building in which a person is suffering from a dangerous disease shall, if required by Ihe 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 lhe building have been, or will be, sent during Lhe continuance or the disease Tor lhe purpose of being washed or cleaned.

I ii fee led clothes not to be sent tu was lie mm ii or hundry.

488. No person while suffering from, or in circumstances in which he is likely to spread, any dangerous disease shall—

(a) make, carry or olTer Tor sale, or take any part in [lie business of making, carrying or offering Tor sale, any arLicle of food or drink or any medicine or drug Tor human consumption or any article of clothing or bedding for personal use or wear, or

(b) lake any pari in the business of washing or carrying or clothes.

Prohibition oT milking or selling or ROOD, ETC., CIT washing of dolhcs by infccted persons.

489. No person shall,—

(a) knowing lhal 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 Lo be suffering from a dangerous disease, cause or permit such person lo expose oiher persons lo Ilie risk of infection by his prescncc or conduct ill any street or place as aforesaid;

Duty or persons iuffering from dangerous disease.

(c) placc or caii.sc Lo be placed in a dustbin or other receptacle for the deposil or rubbish, any mailer which he knows lo have been exposed lo infection from a dangerous disease and which has nol been disinfected properly;

(d) ihrow or cause io be thrown inlo any lalrine or urinal any mailer which he knows lo have been exposed io infection from a dangerous disease and which has noi been disinfected properly.

COURT BOOK
EMPOWERING LEGAL CLARITY

CHAPTER XXX

Emironmunlal Sanitation and Public Surety

A. Duties and General Powers

Duties of Corporaiion in relation lo environmental simiuilion.

490. Save ns otherwise provided in this Aci, ihe Corporation shall take adequate measures for each of the following mailers:—

(a) inspection, supervision, regulation and conirol or premises to ensure proper environmental sanitation;

(b) regulation or public bathing and washing;

(c) provision and maintenance or public conveniences;

(d) licensing of animals and control of stray animals;

(e) licensing of butchers and slaughter-houses; and (0 control of nuisances.

Howcr to inspeel premises for suniliiry purposes.

491. Subject to such regulations as may be made in lhis behair, the Municipal Commissioner may cause any building or oiher premises to be inspected Tor the purpose or ascertaining the sanitary condition thereof.

Power to require cleansing and lime-wasliing of building lo be dune,

492. If the Municipal Commissioner considers necessary for sanitary reasons so lo do, he may, by written notice, require lhe owner or occupier of any building, inspected under seclion 491**, io cause the same or some portion thereof lo be lime-washed orotherwise clcansed, either externally or internally or boih externally and internally.**

Power lo require ijiipravcmcni oT mvanilary huis nnd **sheds.**

493. ir the Municipal Commissioner is or ihc opinion that any hut or shed used either as a dwelling or as a stable or Tor any oilier purpose is likely, by reason or ils being built without a plinth or upon'a plinth of insufficient height or wilhoul proper means of drainage or ventilation or on account or 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 lo llic inmates thereof or io llie inhabitants of the neighbourhood or is Tor any reason likely to endanger the community health or safety, he may, by written notice which shall be affixed to some conspicuous pari of such hut or shed, require lhe owner or occupicr thereof or the owner of the land on which such hut or shed stands lo remove or aller such hul or shed or to take such order for the improvement thereof as the Municipal Commissioner deems necessary.

494. If any land or building, by reason of its being abandoned or Powerm unoccupied, becomes a resort of disorderly persons or is in a filthy or dcausmg of unwholesome state or, in the opinion of Ihe Municipal Commissioner, umcnamcd has become a nuisance, the Municipal Commissioner, afier due enquiry, t"xmiM;!" may give written notice to lhe owner or lo any person who is known or believed to claim lo 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 lhe case maybe, requiring such owner or person to secure, enclose, cleansc or clear or otherwise abate the nuisance.

495. (I) If, for any reason, it appears to the Municipal Commissioner Poi^,r to I . , j ,r I pr.lhlhlt DSC thai any building or any room in a building intended Tor or used as a D; buildings dwelling is unfit for human habitation, he shall give to the owner or or rooms in occupier of such building notice in writing staling such reason and Snlli'for" signifying his intention to prohibit further use of the building or the room, human as the ease may be, as a dwelling and shall by such notice call upon (he I,ablIallon- owner or occupier as aforesaid io state in writing any objection thereto wiihin thirty days after the receipt or such notice, and iT no objection is raised by such owner or occupier within such period as aforesaid or iT any objection raised by such owner or occupier wiihin .such period appears lo lhe 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 lhat, 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 given.

(2) When any such prohibition as aforesaid has been made, the Municipal Commissioner shall cause notice of such prohibition lo be affixed lo and the tellers "U.H.H."' {being lhe abbreviation of the whole words "Unfil for Human Habitation") to be painted on the door or on some conspicuous pari of such building or room, as lhe ease may be, and no owner or oecupicr of such building or room shall use or suffer the same to be used lor human habitation until the Municipal Commissioner certifies in wriiing that the building or room, as the case may be, has been rendered fit for human habitation.

(Purl VII.—Community Health.—Chapter XXX.—Environmental Sanitation and Public Safety.—A. Duties and General Powers.—Sections 496, 497.)

(3) The Municipal Commissioner shall, in each such case, give wrilien instructions lo lhe owner or occupier as to what modi flea Lions **or all era I ions are required Io be made for rendering such building or room fil for human habitation.**

(4) The Municipal Commissioner may cause any person who uses nny building or room in contravention or 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 lhe case may be, as a dwelling, lhe owner or such building sliall, so far as may be necessary lo prevent nuisance, keep the building or room clean and wholesome.

496. (1) When—

(a) any well, pool, ditch, lank, pond, pit or marshy or undrained ground, or

(b) any cistern, reservoir or waier-bull or any oiher receptacle or place where water is siored or uccumulales, or

(e) .nny waste or stagnani waier, whether within any private enclosure or noi,

Power LO dirccl lhe filling up. L'lC., of unwhole-some wells, pool, cle.

appears to the Municipal Commissioner to be or to be likely io bccome injurious to health or offensive to the neighbourhood or in any other respect a nuisance, he may, by written noliec, require the owner or occupier of the land or building io which such well, pool, ditch, tank, pond, pil, ground, cistern, reservoir, waier-bull, receptacle, place or water pertains to cleanse or to fill up the same or drain off or remove water therefrom or to lake such oilier action as the Municipal Commissioner may deem neccssary.

(2) No person shall keep or permit to be kept or maintained within any premises or land any collection or stagnani or flowing waier which in the opinion of lhe Municipal Commissioner is, or is likely lo bccome, a breeding place for mosquitoes, unless such collection of water is treated in such manner as may effectively prevent the breeding of mosquitoes.

Power In regulate **excavations.**

497. (I) The Municipal Commissioner may, by a general order or by an order lo affect such portion or '[Kolkaia] as may be specified therein, prohibit—

(a) the making of excavaiions for the purpose of taking with earth therefrom or of storing rubbish or offensive matter therein, and

(b) the digging af cesspools, tanks, ponds, wells or pi Is without his special permission.

'SL'c foot-rune 2 oil page 57j. mire.

(Pari VII.—Community Health.—Chapter XXX.—Environmental San it a! ion and Public Safety.—A. Duties and Gene ml Powers.—Seciion 498.—B. Regulation of Public Bathing, Washing, etc.—Seel ion 499.)

(2) No person shall make any excavation referred lo in clause (a) or sub-seclion (I) or dig any cesspool, lank, pond, well or pil in contravention of any such order.

(3) IT any such excavation, cesspool, lank, pond, well or pil is made or dug after lhe publication of any such order and wilhoui llie permission required thereby, lhe Municipal Commissioner may, by written notice, require the owner or occupier of lhe land on which the same is made or dug lo fill it up wiih earth or olher material approved of by him.

498. (1) **The Municipal Commissioner may, if he thinks fit, by written** Power io **nolice require the owner or occupier of any land on which trees, shrubs or hedges are growing io keep I fit same in a trim condition, and remove any hedges, cic,. such tree, '[shrub] or hedge, iTii poses a danger to public safety or ovemungs or obstruct any sireel causing inconvcnicncc or danger lo the passers-by,**

(2) If it appears to lhe Municipal Commissioner lhai immediate nclion is necessary for public safely, he may, without notice, cause such iree, 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.

B. Regulation of Public Bathing, Washing, etc.

499. (1) The Municipal Commissioner may from lime lo lime—

Regulation of use of placcs fnr public balhing. etc.

(a) set apart portions or any river or oilier suitable place vesting in the Corporalion for use by lhe public for bathing or for washing animals or for washing or drying cloihes;

(b) specify the times al 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 oT lhe purposes as aforesaid of any place nol so set apart;

(d) prohibit by public nolice the use by lhe public of any portion of any river or place not vesting in the Corporation for any such purpose;

(e) regulate by public nolice the use by the public of any portion of any river or other place vesting in lhe Corporalion and set apart by him for any such purpose; and

CD regulate by public noiicc the use by lhe public of any portion of any river or other place nol vesting in ihe Corporation for any such purpose or of any work or wuicr in any work, assigned and set apart under this Act for any particular purpose.

'The weird wiihin llie square brackets was subslilulcil Tor Ihe word "hnib" hy s, *42* oflhe Calculla Municipal Corporalion (Sccond Amendment) Aci, 19!W (Wc.st Ben. Acl Xttt of 1984),

(Pan VII.—Community Health.—Chapier XXX,—Environmental Sanitation and Public Safety.—B. Regulation of Public Bathing. Washing, etc.—Sections 500-502.)

(2) The Municipal Commissioner m:iy charge stick fees as the Corporation may determine by regulations Tor lhe use of any place set apart under clause (a) ofsub-scclion (1) by any specified class or classes or persons or by lhe public generally.

500. **Except as oLlienvi.se permitted by any order under Ibis Act,—**

Prohibiiiori **or twilling,** etc.. conlrnry lo order.

(1) no person shal I—

(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, pul or cause lo enter inlo the waier in any such placc or work any animal or other thing;

(d) causc or suffer lo drain inlo or upon any such place or work or lo be brought therein lo or thereupon anything or do anything whereby the water shall be in any degree fouled or corrupted;

(c) dry clothes in or upon any such place;

(2) no person shall—

(a) in contravention of any prohibition made by ilie Municipal commissioner under section 499 use any portion of any river or any place not vesting in the Corporaiion for any purpose mentioned in lhal section;

(b) contravene the provisions of any noiice given by the Municipal Commissioner under section 499 for lhe use or any such portion of any river or any place lor any such purpose.

501. **No person shall—**

(a) sleep in any lank, reservoir, stream, well or ditch any animal, vegetable or mineral mailer likely to render the water thereof offensive or dangerous to health;

(b) whilst suffering from any contagious, infectious or loathsome disease bathe on, in or near any bathing-plat form, lake, lank, reservoir, fountain, cistern, duel, stand-pipe, stream or well.

Prohibition **or** corruption oT waler by sleeping llicrcin animal or other mailer, etc.

502. **No person engaged in any trade or manufacture shall,—**

(a) wilfully cause or suffer io be brought or lo How into any lake, tank, reservoir, cistern, well, duct or oilier place Tor water belonging io the Corporation or any drain or pipe

Prohibition **of** co nil plum of waier by chemicals, **elc,**

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 ns aforesaid whereby Ihe water in any such lake. Lank, reservoir, cistern, well, duct or other place for water is lbulcd or corrupted.

503. (I) The Municipal Commissioner may by public notice prohibii the washing of clothes by washermen in lhe exercise of their callings except al 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 conlraveniion oI" such prohibilion wash clothes cxcept for himself or for personal and family service or for hire on or within the premises of the hirer at any place oiher than a place appointed under .sub-section (1).

Prohibilion •Ig.HllE! washing by w.l i il.: ;i

C. Public Conveniences and Latrines and Urinals

504. (1) The Municipal Commissioner shall provide and maintain in Puhiic proper and convenient places a sufficient number of public laLrines and urinals.

(2) Such public latrines and urinals shall be so consiructcd as lo provide separate compartments for each sex and nol lo be a nuisance and shall be provided wilh all nccessary conservancy establishments and shall regularly be cleansed and kept in proper order.

505. (I) It shall not be lawful io construct any latrine or urinal Tor any premises cxcept wilh the written permission of Lhe Municipal Commissioner and in accordance wilh such terms not inconsisteni wilh the provisions of lhis Act or any rules or regulations made thereunder as he may specify.

(2) In specifying any such term, lhe Municipal Commissioner may determine in each case—

(a) whether lhe premises shall be served by lhe service sysiem or by lhe flush system or partly by the one and partly by the other; and

(b) what shall be Lhe site or position of each latrine or urinal.

Consliuclion nl'liurincs nnd 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 lhan len days' notice to Lhe owner or occupier of such

premises, alter, reconstruct, close or demolish such latrine or urinal and llie expenditure incurred by the Municipal Commissioner in so doing shall be recoverable from lhe owner or occupier as an arrear of lax under this Act.

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SOfi. (1) Il shall not be lawful Lo erect any building or exccuLc any work on or in relation lo lhe building as aforesaid without providing such latrine and urinal accommodation and accommodation for balhing or washing clothes and uiensils on each floor oflhe building as lhe Municipal Commissioner may specify.

(2) In specifying any sucli 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 lhe one and partly by lhc oilier;

(b) what shall be lhc sile or position of each lalriue, urinal, balhing or washing place or sile and the number (on each floor) and iheir clear internal dimensions thereof.

(3) It shall nol be lawful Lo erect a residential building composed of separate lenemenls'on lhe flal system without providing at least one latrine and one bathing or washing place forservanls on the ground floor of such building or al any other suilable placc in lhe same premises,

(4) For the purposes of this scclion, the expression "to creel a building" shall have lhe same meaning as in seciion 390.

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507. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and mainiain for the separate use of persons of each sex so employed lairines and urinals of such description and number as the Municipal Commissioner may by nolice require and within such time as may be fixed in Lhe notice and shall keep the same in clean and proper order.

508. The Municipal Commissioner may by notice require any owner or manager of a markel, theatre, railway station, transport terminal and any olher place of public resorl wiihin such time as may be specified in such noiicc to provide and mainiain for the separate use of persons of each sex lairines and urinals of such description and number and in such position as may be specified in the nolice and lo keep lhe same in clean and proper order.

509. The Municipal Commissioner may, by written notice,—

(a) require the owner or olher person having the control of any private latrine or urinal, which in the opinion of lhe Municipal

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(Part VIf,—Community Health,—Chapter XXX.—Environmental Sanitation and Public Safety,—D. General Provisions.—Sections 510-512.)

Commissioner constitutes a nuisance, to remove the latrine or the urinal; or

(b) require any person having lhe control whether as owner, lessee or occupier or any laud or building—

(i) lo have any latrine provided for lhe same shut out by a sufficient root", wall or fence from the view of persons passing by Dr dwelling in lhe neighbourhood; or

(ii) lo cleanse; in such manner as lhe Municipal Commissioner may specify in the noticc any lairine or urinal belonging to such land or buildings; or

(c) where any premises i mended or used for human habitat ion are without any latrine or urinal accommodation or are provided with insufficient lnlrinc or urinal accommodation, require lhc owner, lessee or occupier of such premises Lo provide such lairine or urinal accommodation or such additional lairine or urinal accommodation ns he may spccify by causing, if ncccssary, any pari of such premises lo be vacated and demolished in accordance with Hie ruJcs or the regulations made in this behalf.

D, *General Pro vision s*

4. 510. Subjeci to lhe provisions or the Prevention of Food Adulteration Act, 1954 and lhe Drugs and Cos luetics Acl, 1940, ns amended by llie of Prevention of Adulteration or Food, Drugs and Cosmetics (West Bengal Amendment) Act, 1973, and the notification by the Stale Government in Corporation shall function as iw Authority under the said Acts.

Prevention (i on 'food, drugs and ttosmcllcs- this behalf, the

511. (I) The Municipal Commissioner shall make provision for inspcclion or all animals which are intended for human consumption and arc in the course or Iransil or arc exposed or hawked about or deposited in or brought to any place for sale or preparation Tor sale, as the ease may be.

(2) If, as a result of any inspection under sub-seclion (J), any prosecution is instituted under this Chapter, the burden of proving Lhai any such animal was not exposed or hawked about or deposited in or brought to any placc for sale or preparation for sale or was nol intended for human consumplion shall rest with lhe person prosecuted.

512. Subjeci lo the provisions of any other law in force for the lime being and the notification by die Stale Governmeni in this bchair, lhc Control of

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EMPOWERING LEGAL CLARITY

Corporation may function as an Authority for llic enforcement of such law as relates to air, water or noise pollution.

E. Prevention of Fire

Slacking or collecting inflammable mnlcmb.

513. The Municipal Commissioner may, by public noticc prohibit in any ease where such prohibition appears to him lo be necessary for the prevention of danger to life or property the slacking or collecting of wood,
dry grass, straw or other inflammable materials or the placing of mats or thatched liuis or the lighting of fires in any place which may be specified in lhe notice.

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514. No person shall sel 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:

C;irc of rtalcd lighls.

Provided that nothing in this seclion shall be deemed to prohibit the use of lighls for lhe purposes of illumination on the occasion of any festival or public or private entertainment.

515. 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.

F. Nuisances

Discharging fire-works, (ire-arms, elc.

516. (I) No person shall—
. (a) in any public slreel or public place—
(i) ease himself; or
(ii) carry meal exposed to public view; or
(iii) picket animals or collect carts; or
(iv) being engaged in the removal of rubbish, filth or other polluted and obnoxious mailer wilfully or negligently permil any portion thereof lo spill or fall or neglect (o sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place;or

Prohibition of riuisanccs.

(v) without proper authority affix upon any building, monument, post, wall, fence, tree or other ihing 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

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(Pari VII.—Con11mtnin Health.—Chapter XXX.ₛ Environmental Sanitation and Public Safety.—F. Nuisances. —Section 516.)

(vii) without proper authority remove, destroy, deface or ' otherwise obliterate any noLice or oilier document pul up or cxhihiled under lhis Act or the rules or the regulations made liiereunder: or

(viii) wilhoui proper authority displace, damage, or make any alteration in or otherwise interfere with, the pavement, gutter, siorm water-drain, flags or olher materials of any such sLrecl or any lamp bracket, direciion-post, hydrant or water-pipe maintained by the Corporation in any sueh street or place or extinguish a public light; or

(ix) carry rubbish, filiii or other polluted and obnoxious matter at any hour prohibited by lhe Municipal Commissioner by public notice or in any palleru of cart or rccepiacle which has not been approved for I he purpose by the Municipal Commissioner or Tail to close such carl or receptacle when in use; or

(b) carry rubbish. Tilth or oilier polluted and obnoxious mailer along any route in contravention of any prohibition made ill 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 tibnoxious mailer in any place nol inlended Tor the purpose in any public sircel or public place or waste or unoccupied land under llie man age me in of the Corporation; or

(d) make any grave or burn or bury any corpse at any place not set apart Tor such purpose; or

(e) al any time or place ai which llic same has been prohibited by lhe Municipal Commissioner by public or special notice beat a drum or tom-tom or blow a hom or Irumpet or beat any utensil or sound any brass or other instrument or play any music; or

(0 disturb the public peace or order by singing, screaming or shouling 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 io cause or negligently allow any animal lo causc, injury, danger, alarm or annoyance lo any person; or

(Part VI!.—Community Health.—Chapier XXX.—Environmental Sanitaiion and Public Safety.— F. Nuisances.₀ Sections 517, 517A, 518.)

(K) save wilh ilie 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 or permit lo be used as a latrine any place not intended for such purpose.

(2) Every person shall lake all reasonable means to prevent every child under Ihe 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 il straying in a public street or public place without a keeper.

(4) Any animal found slraying as aforesaid may be removed by an officer or employee of the Corporaiion or by any police officer io a pound.

Power io require removal or abatement of nuisance.

517. Where the Municipal Commissioner is of the opinion lhat there is a nuisance on any land or building, he may, by notice in writing, require Lhe person by whose aci, default or sufferance the nuisance arises or continues or Lhe owner, lessee or occupier of the land or building or any one or more of these persons LO remove or abaie the nuisance by taking such measures in such manner and within such period as may be specified in Lhe noiice.

Power to remove nuisancc.

'517A. Notwithstanding anything contained in seclion 517, if the Mayor-in-Council is of lhe opinion lhat immediate removal of any nuisance continuing on any land or building in contravention of the provisions of lhis Acl is necessary, it may, for reasons to be recorded in writing, cause such nuisance to be removed forthwith.

Power lo requite buildings, **wells, eli;.,** to be rendered safe.

518. Where any building, or wall, or anything affixed thereto, or any well, lank, reservoir, pool, depression, or excavation, or any bank or tree, is, in the opinion of the Municipal Commissioner, in a ruinous slate for warn of sufficient repairs, protection or enclosure, and is a nuisance or is dangerous to persons passing by or dwelling or working in Lhe neighbourhood, the Municipal Commissioner may by noticc in writing require the owner or part-owner or person claiming to be Lhe owner or pari-owner thereof or failing any of them ihc occupier thereof to remove the same or may require him to repair, proLccL or enclose the same in such manner as he ihinks necessary; and if lhe danger is, in the opinion of the Municipal Commissioner, imminent, he shall, forthwith lake such steps as he thinks necessary to aven lhe same.

'Section JI1A was inserted by s. 22 or Llic Calculla Municipal Corporation (Amendmenl) Acl, 19% (Wcsl lien. Acl Vt of 1<W6).

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CHAPTER XXXI Animals and Birds

S19. No person shall use or permit lobe used any land or premises for keeping horses, cattle or other quadruped animals or birds for iransporimion, sale or hire or for sale of the produce thereof without or otherwise than in conformity with the terms of u licence granted by Hit; Municipal Commissioner on payment of such fees as may be determined by Lhc Corporalion by regulations:

Premises nol io be used tor keeping animals, birds, wilhoui liccncc.

Provided lhat the fees shall nol exceed,—

(a) in Lhe case of a race horse, '[eighi hundred] rupees annually:

(b) in ihe case of any animal other than aracc horse or birds one hundred rupees annually.

520. (1) If any horses, calUe or other four-footed animals or birds are kepi on any land or premises in conLravenlion of the provisions of section 519 or arc round roaming or tethered on any street or public place or on any land belonging to llie 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 Lhc Slate Government or the Corporalion for lhis purpose; and (he cosi of such seizure and impounding or removing and maintenance as aforesaid shall be recoverable by sale of such animals or birds by auction:

Seizure of cerinin animals or birds.

Provided that any person claiming such animals or birds may, wiihin seven days of such seizure, gel them released on his paying all lhe expenses incurred by the Corporalion in seizing, impounding or removing, or maintaining such animals or birds and on his producing such evidence in support oT his claim as the Municipal Commissioner may think" sufficient,,

(2) The proceeds of sale of any animal or bird by auction under sub- seclion (1) shall be applied in meeLing Lhe expenses incurred on accounL of seizure, impounding or removal, and maintenance of such animal or bird and of holding such sale; and lhe surplus, if any, shall be held in deposit by lhc Municipal Commissioner and shall, if not claimed by the owner of such animal or bird wiihin a period of ninety days from the date of sale, be credited to Lhe Municipal Fund.

'The words within lhc square bir.ckcls wire subslilulcd for lhc words "four hundred" by s. 20 of llie Calculla Municipal Corporation (Amcndmenll Acl, 19KR I West Fk-n, Acl

Rcgislr jlion ;iml control of Jugs.

521. The Corporaiion may by regulations made iri Ihis behalf—

(a) require ihc registration lo be done of nil dogs kepi wilhin '[Kolkaiiil:

(b) require Ihni every registered dog shall wear a collar Lo which shall be attached a metal loken to be issued by the Municipal Commissioner, and fix Lhe fee payable for the issue thereof;

(c) requit e that any dog which has nol been registered or which is nol wearing such token shall, iT found in any public place, be detained at n place set apart for the purpose; and

(d) fix the fee which shall be charged Tor such detention, and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless il is claimed and the fee in respect thereof is paid within one week.

Power lu **destroy ifeijss** or arrim:iU<

522, The Municipal Commissioner may—

(a) cause to be destroyed, or to be confined for such period as he may dirccl, 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 properly and are found siraying on the streets or beyoud the enclosures of the houses of their owners, if any, may he destroyed and cause litem to be destroyed accordingly.

Power Lo swp nuis'jnccs from **unlfntita***

523. (!) Whenever the Municipal Commissioner is of lhe opinion lhal the user of any premises for keeping any animal or bird thereon is causing a nuisancc and thai such nuisance should immediately be slopped, llic Municipal Commissioner may, by order, require lhe owner or the occupier of such premises lo slop such nuisance within such period as may be specified in the order.

(2) If, al the end of such period, the nuisance is not stopped, ihe Municipal Commissioner or any other officer authorised by him in this behalf may cause such use of such premises slopped forthwith by posting police pickets or by such oiher means as he thinks fit at lhe cosi or such owner or occupier.

(3) If such owner or occupicr does nol deposit lhe cost as aforesaid within such lime as may be specified by Lhe Municipal Commissioner or lhe officcr authorised by him in Lhisbcktiroriflhe nuisance is nol abated, Lhe nuisance shall be stopped by the Municipal Commissioner or by lhe

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' officer authorised by him in lhis behalf and the cost may be realised by seizure and auetion or lhis articles or properties found in the premises.

CHAPTER XXXU Improvement

524. (1) Where it appears to lhe Municipal Commissioner lhat any Removal **or block of buildings is in an unhealthy condition by reason of the manner buildings, in which llie buildings are crowded together or the narrowness, closeness, or faulty arrangement of streets or the want of proper drainage and ventilation or Lhe imprac lie ability of cleansing the buildings or any other similar cause, he shall cause lhe block Lo be inspected by lhe Chief Municipal Health Officer and lhe Municipal Engineer-in-Chief who shall make a report in writing lo him regarding lhe sanitary condition of the block.**

(2) ir, upon receipt or such report, Lhc Municipal Commissioner considers Lhat Lhe sanilary condition of the block is likely to cause risk of disease lo 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 nolice in writing require the owners of such buildings to remove them within such period as may be specified in the no Lice:

Provided thai before issuing Lhc notice a reasonable opportunity should be afforded to the owner to show cause why the buildings should not be removed:

Provided farther thai the 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-seclion (2) requiring any owner or a building Lo remove il is not complied with, then, after the expiration of Lhc time spcified in the notice, the Municipal Commissioner may himself remove Lhe building required to be removed by the nolice and recover from Lhe owner of lhe building Lhe expenses of such removal as an arrear of tax under this Acl.

525. (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 al a reasonable expense of being rendered fil, serve upon the owner of the

Power io require imp rove m cm or buildings unfil Tor human

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days as may be specified in Llic notice LO **exccutc the works of improvement specified therein and stating that in his opinion those works will render the building fit lor human habi tali** 011.

(2) In addilion lo serving a notice under this section on the owner, the Municipal Commissioner may serve a copy of lhe noiice on any oiher person having an interest in the building, whelher as a lessee, mortgagee or otherwise.

(3) In determining whelher a building can be rendered fit for human habitation at a reasonable expense, regard shall be bad to lhe estimated cost of the work necessary lo render it so fit and ihc estimated value which the building will have when the works are completed.

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526. If a notice under seclion 525 requiring the owner of the building io execute works of improvement is not complied wilh, 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 noiice and recover lhe expenses incurred in connection therewiih as an arrear of lax under this Aci. .

Power lo order dcmolilion of buildings unfit far human habitation.

527, (1) Where the Municipal Commissioner upon any information in his possession is satisfied that any building is unfil for human habitation and is not capable al 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 (he building whelher as a lessee, mortgagee or otherwise, a noiice to show cause within such time as may be specified in the notice as to why an order oT demolition of the building should not be made.

(2) If any of the persons upon whom a notice has been served under sub-section (1) appears in pursuance thereof before Ihe Municipal Commissioner and gives an underlaking to him Lhat such person shall, within a period specified by Lhe Municipal Commissioner, execute such works of improvement in relation lo lhe building as will, in the opinion of the Municipal Commissioner, render the building fit Tor human habitation or lhal the building shall not be used Tor human habitation until lite Municipal Commissioner, on being satisfied lhat il has been rendered fit Tor lhal purpose, cancels lhe undertaking, lhe Municipal Commissioner shall not make an order of demolition of ihc building.

(3) irno such underlaking as is referred to in sub-seciion (2) is given, or if in a case where any such underlaking has been given, any work of improvement to which the undertaking relates is not carried oui wilhin the specified period or the building is used in contravention of the terms of Lhe underlaking, the Municipal Commissioner shall forlliwilh make an order of demolition of lhe builtline renoirine thai ihe building shall be

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■ vacated wiihin a period lo be specified in lhe order not being less than thirty days from llie dale or lhe order and demolished wiihin six weeks afier (lie expiration of thai period.

(4) Whiirc an order of demolition of a building under lhis section has been made, the owner of the building or any other person having an interest therein shall demolish thaL building within the lime specified in llial behalf in Lhe order, and if the building is not demolished wiihin that lime, ifte Municipal Commissioner shall demolish the building and sell the materials [hereof.

(5) Any expenses incurred by lhe Municipal Commissioner under sub-seclion (4), which cannoi be met OUL of lhe proceeds of the sale of materials oflhe building, shall be recovered from the owner of lhe building or any oilier person having an interest therein as an arrear of tax under this Acl.

(6) In determining, for the purposes or this seciion and seciion 525 whether a building is unfil for human habiialion, regard shall be had io ils condiiion in respeci of the following matters, lhai is io say,—

(a) repair;

(b) stability;

(c) freedom from damp;

(d) natural lighl 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. Tilth and other polluted mailer;

and the building shall .be deemed Lo be unfil as aforesaid if and only if ii is so defective in one or more or the matters as aforesaid thai il is nol reasonably suitable for occupation in thai condition.

(7) For the purposes of this section and section 525 and seciion 526, "work of improvement" in relation io a building shall include any one or more of lhe following works, namely:—

(a) necessary repairs;

(b) structural alterations;

(c) provision or ligju points and water laps;

{d) construction of drains, open or covcred;

(e) provision of lairines and urinals;

(1) provision oT additional or improved fixtures and fittings;

(a) openinc no or paving oTcourtyard;

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(h) removal of rubbish, filth and other polluted and obnoxious ■ mailer;

(i) any olher work including the demolition of any building or any pari thereof which, in Lhe opinion of the Municipal Commissioner, is nccessarv for executing any of Lhe works specified above.

(8) The provisions or 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 lo be a^slum area under lhe Wesl Bengal Slum Areas (Improvement and Clearance) AcV, 1972.

West Ben, Act X or 1972.

Improvement m ii **528. Where the Municipal Commissioner upon information in his possession is satisfied as respects any area—**

(a) lhat the buildings in lhat area are, by reason of disrepair or sanitary defects, unfil for human habitation or arc, by reason of their bad arrangement or llie narrowness or bad arrangement of the streets or the want of lighl, air, ventilation or proper conveniences, dangerous or injurious to the health of the inhabitants of the area, and

(b) that Lhc most satisfactory method of dealing wiih lhe conditions in the area is die 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 lhc area in accordancc with lhe regulations made in lhis behalf.

529. (1) An improvement scheme may provide for all or any or lhe following mailers, namely:—

(a) the acquisition by agreement or under lhe Land Acquisition t af 1894. Aci, 1894 **of any property neccssarv Tor or affeclcd by lhe execution or the scheme",**

(b) lhc relaying out of any land comprised in the scheme;

(c) the redistribution of sites belonging Lo owners of property comprised in lhe schcme;

Mailers to be provided in an improvement scheme.

(d) llie closure or demolition ofbuildings or portions orbuildings unfit for human habitation;

(e) the demolition of obstructive buildings or portions thereof:

(f) lhe construction and reconstruction of buildings;

(g) ihe construction and alteration of streets;

(h) the water supply, sircel lighting, drainage and other conveniences:

■ **(i) [lie provision of open spates Tor ihc benefit of any area comprised in the scheme;**

(j) the sanitary arrangements required Tor ihe area comprised in the scheme;

(k) ilie provision of accommodation for any class of inhabitants;

(1) the provision of facilities for communication;

(m) ihc sale, letting or exchange of any properly comprised in the sclicme;

(n) any other matter Tor which, in Lhe opinion of the Municipal Commissioner, il is expedient to make provision wilh a view la improving the area to which the schcme relates.

(2) Where any land is designated in an improvement schcme as subjeel lo acquisition or is required by the sclieme io be kepi as an open space, then, if ai the expiration of ten years from the dale of sanction or the scheme by the State Government under siib-seciion (2) of section 530 the land is noi acquired by the Municipal Commissioner, ihe owner or the land may serve on lhe Municipal Commissioner a noiice requiring his interest in the land to be so acquired.

(3) If iJie Municipal Commissioner fails to acquire lhe land wilhin a period of six months from the receipt of the noticc, the improvement scheme shall have effect after the expiration of the said period as if the land were nol designated as subjeel to acquisition by the Municipal Commissioner or were nol required to be kept as an open space.

530. (1) Every improvement schcme shall, as soon as may be after il has been framed, be submitted by the Municipal Commissioner for approval lo the Corporation, and the Corporaiion may cither approve the scheme wilhoul modifications or wilh such modifications as it may consider neccssary or reject lhe scheme with directions lothe Municipal Commissioner to have a fresh schemc framed according to such directions.

Submission (if im pro Yemeni schemc lo ihc Corpora ion for approval and lo ihc Stale Government lor sanction.

(2) No improvement schcme approved by the Corporation under sub-section (1) shall be valid unless il has been sanctioned by the State Government.

531. The Municipal Commissioner while framing an improvement Rc-housing **scheme under this Chapier for any area may also frame a scheme (herein-afierin lhis Act referred to as lhe 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 likelv to be displaced bv the execution of the improvement schcme.**

....

(Parr VII.₈ Community Health.—Chapter XXXII.—Improvement.— Sections 532-534.—Part VIII.—Proper lies of the Corporation.— Chapter XXXIII.— Acquisition and Disposal of Property.— . Sections 535, 536.)

COURT BOOK

Improvement **scheme oiid** rc-liousing schemc to cum ply wilh the master plan ;ind zonal development plnn.

532. No improvement scheme or re-housing scheme framed under this Chapter after a master plan for '[KolkaiaJ or a zonal development plan for any part thereof has been prepared in accordance with the Wcsl Bengal Town and Country (Planning and Development) Acl, J979 shall be valid unless such scheme is in conformity with the provisions of the muster plan or the zonal development plan.

Wcsl Ben. Acl Xlll or 1979.

Power lo UL'Qjirc **land and** building fcr improvement.

533. Subject Lo the provisions of thisAct, the Corporaiion may acquire any lam) or building, whether situated in '[Kolkaia] or noi, for the purpose of—

(i) opening oui any congcsied or unhealIhy area or otherwise improving any portion of '1 Kolkaia]; or

(ii) creeling sanitary dwellings for working and poorer people; or

(iii) executing any development plan or scheme for the benefit of persons residing in '[Kolkaia].

Execution or an improvement **schcme.**

534. Any improvemeni scheme framed under this Chapter may be executed by the Corporation itself or by such person or authority as the Mayor-in-Council may select and on such terms and conditions as il may specify.

PART VIII

PltOfEHTIES OK THE CORPORATION

CHAPTER XXXIII

Acquisition and Disposal of Property

Acquisition or propeny.

S35. The Corporation shall, for the purposes of this Acl, have power to acquire and hold movable and immovable property or any interest therein, whether within or outside the limits of '[Kolkuta|.

Acquisition of immovable property by agreement.

536. (1) Whenever it is provided in thii AcL that the Municipal Commissioner may acquire, or whenever it is neccssary or expedient for any purpose of this Act thai the Municipal Commissioner shall acquire, any immovable property,such property may be acquired by ilie Municipal Commissioner on behalf of the Corporation by agreement on such lemis and at such rates or prices oral rates or prices not exceeding such maxima as may be approved by the Mayor-in-Council cilher generally for any class of cases or specially in nny particular case.

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(Par! Vlll.—Properties of lhe Corporalion.—Chapter XXXIII.—Acquisition and Disposal of Properly.—Seciion 537.)

(2) Whenever, under any provision of [his Acl, lhe Municipal ' Commissioner is authorised Lo agree lo pay ihe whole or any portion or lite expenses of acquiring any immovable properly, he shall do so on such terms and al such rates or prices or al rales 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 Lhe Corporation and the provisions of sub-sections (L) and (2) shall apply io such acquisition.

537. (I) Whenever the Municipal Commissioner is unable under Procedure . , ■ <. when section 536 to acquire by agreement any immovable properly or any immovable easement affecting any immovable property vested in the Corporalion or whenever any immovable properly or any easement affecting any a en ui red by immovable property vested in the Corporation is required for the purpose of this Acl, lhe State Government may, in ils discretion, upon application of the Municipal Commissioner, made wiih Lhe approval of lhc Mayor-in-Council and subjeci to other provisions of Lhis Act, order proceedings tobelaken for acquiring the same on behalf or lhe Corporation, as if such properly or easement were land needed for public purpose within the I of iss>4. meaning oflhe Land Acquisition Act, 1894.

(2) Whenever an application is made under sub-section (1) for lhe acquisition of land Tor lhe purpose of providing a new sireel or For widening or improving an existing street, it shall be lawful Tor the Municipal Commissioner lo apply for the acquisition of such additional land immediately adjoining the land lo be occupied by such new street or existing street as is required for the siies of buildings to be erected on either side of the sireel, and such additional land shall be deemed lu be required for the purposes of this Acl.

(3) For lhe purpose of acquisition if immovable property under this section, the Land Acquisition Act, 1894, shall be subjeci lo the amendment thai lhe markei-value of any land or building io be acquired shall be deemed, for lhe purpose of sub-seclion (1) of seciion 23 of lhat Aci, lo be the market-value determined according to lhc disposilion of such immovable property at the dale of declaration under sub-scclion (1) of seciion 4 thereof in respect of such immovable properly.

(4) The amount or compensation awarded and all other charges incurred in the acquisition of any such property shall, subjeci to all other provisions of lhis Acl, be forthwith paid by the Municipal Commissioner and thereupon such properly shall vest in the Corporation.

[West Ben. Act

Power io ontcase'[1 C 011 suc,1 lerrns 538. The Municipal Commissioner may pay rem for or take on lease rales as llie Mayor-in-Council may approve from lime immiwjble [Q ij[nie a]ny laud or building, whether situated in '[Kolknta| or nol which pn>peny. [mil]^ j[n] his opinion, be needed for carrying oui any of [lie purposes of this Acl,

Disposal of 539. Wiih respeci [o lhc disposal of properly belonging [o lhe property. Corporalion, llie following provisions shall have effect, namely:—

(a) lhe Municipal Commissioner may, in his discretion, dispose of, by sale or otherwise, any movable properly belonging to [he Corporalion nol exceeding in value in each instance five thousand rupees or such higher amouni as lhe Corporalion may determine by regulaiiotis, or lei oul or hire any movable property or grant a lease of any immovable property belonging to ihe Corporation including-any righ[of gathering and taking fruits and llie like for a period not exceeding one year at a lime;

(b) the Municipal Commissioner may, with llie sanction of" ihe Mayor-in-Council,—

(i) dispose of, by sale or otherwise, any movable property belonging lo Ihe Corporation the value or which does not exceed ten thousand rupees; or

(ii) grant a lease (olher than a lease in perpetuity) of any immovable properly belonging to the Corporation; or

(iii) sell or grant a lease in perpetuity of any immovable property belonging io Ihe Corporation the value of which does not execcd fifty thousand rupees or the annual renl of which does not exceed three thousand rupees;

(c) in cases nut covered by clausc (a) or clause (b), the Municipal Commissioner may, with the sanction of lhe Corporation, lease, sell, let oul on hire or otherwise transfer any property, movable or immovable, belonging to the Corporalion;

(d) the consideration for which any immovable property may be sold, leased or otherwise transferred shall nol be less lhan lhe value al which such immovable properly could be sold, leased or otherwise transferred in normal and fair competition;

(e) the sanction of the Mayor-in-Council or of lhe Corporation under the aforesaid clauses may be given eilher generally for any class of cases or specially for any particular case;

(0 subjeci to [he conditions for limiiaiions specified elsewhere in other provisions of, lhis Act, lhc foregoing provisions of ihis section shall apply to every disposal of property

foai-noic 2 on page 573, tin**IA**

' belonging lo the Corporation made under or Tor any purpose or this Act;

(g) every ease or disposal of properly under clause (a) and clause (b) shall be reported by Lhe Municipal Commissioner without delay to the Mayor-in-Council and Ihe Corporation respectively.

540. (1) The Municipal Commissioner shall maintain an inventory of invtmory **the movable and immovable properties or the Corporation in such form pmpeniw and in such manner as may be determined by the Corporaiion by rcguluLions. °rihc** Corporation.

(2) In lhe case of the inventory or immovable properties, the Municipal Commissioner shall prepare an annual statement or the revisions therein, and shall place such statement before the Mayor-in-Council. ,

(3) The Mayor-in-Council shall place the statement under sub-section (2) along with its comments, if any, before the Corporaiion along with lhe budget estimate.

(4) The statement under sub-section (2) shall be included as an appendix in lhe Annual Report of the Corporation prepared under seclion 41.

CHAPTER XXXIV

Commercial Projects

541. Subjcct lo lhe provisions of this Act, the Corporation may from Power io lime lo lime, incur expenditure and undertake works for the framing and commercial execution of commcrcial projects including market development schemes projecis. in relation lo lands and buildings vested in or in the possession of the Corporaiion.

542. Subjeel lo lhe provisions of this Act and the West Bengal Town and Country (Planning and Development) Act, 1979, a scheme for a commercial project may provide for all or any of the following mailers:—-

Wesl Ben, Acl Xlll or 1979.

Mailers lo bo provided for by schemes for commercial projecis.

(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 lhe area;

(e) the construction and reconstruction of buildings;

(0 the sale, Jelling out, leasing or exchange of any property included in the scheme;

(g) Lhe management of the scheme by the Corporation.

(Pari IX.—Powers, Procedures, Offences and Penalties.— Chapter XXXV.— Procedure.—A. Licences and written permissions.— Seclion 543.)

PART IX

POWERS, PROCEDURES, OFFENCES AND PENALTIES

CHAPTER XXXV Procedure *A. Licence*: and written permissions*

COURT BOOK
EMPOWERING LEGAL CLARITY

Signature. conditions. duration, **suspension.** revocation, clcĂof Jiccnces and wrilien **permissions.**

543. (1) Whenever il is provided in lhis AcL or lhe rules or Ihc regulations made [hereunder lhat a licence or a wrilien permission shall be signed by lhe Municipal Commissioner or by any other officer empowered lo grant lhe same under this Act or the rules or the regulations made thereunder or by any other officer of lhe Corporation authorised by the Municipal Commissioner or officer empowered as aforesaid in this behalf shall specify in addition to any other matter required io be specified under any oiher provision of this Act or the rules or the regulations made thereunder—

. (a) ihe date of lhe gram thereof;

(b) the purpose and lhe period (if any) for which il is granted;

(c) restrictions or conditions, ifany, subject to which ilis granted;

(d) lhe name and address of the person lo whom il is granted; and

(e) the fee, if any, paid for lhe licence or wrilien permission.

(2) Except as otherwise provided in Lhe Act or the rules or the regulations made I hereunder, for every such licence or written permission a fee may be charged al such rate as may from time to time be fixed by the Municipal Commissioner wilh 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 gran Led.

(3) Save as otherwise provided in this Act or lhe rules or lhe regulations made thereunder, any licence or wrilien permission granted under lhis Act or any rules or regulations made thereunder may al any lime be suspended or revoked by the Municipal Commissioner or the officer by whom it was granted, if he is satisfied that il has been secured by lhe grantee through misrepresentation or fraud, or if any of its restrictions or conditions has been infringed or evaded by lhe grantee, or if Lhe graniee has been convicted for the contravention of any or Lhe provisions of Lhis Act or the rules or the regulations made thereunder relating lo any matter for which the licence or permission was granted;

Provided lhat—

(a) before making any order of suspension or revocation, reasonable opportunity shall be accorded Lo lhe graniee of lhe licence or the written permission to show cause why il should nol be suspended or revoked;

LEX or 1980.]

*(Part IX.—Powers, Procedures, Offences and Penalties.—
Chapter XXXV.—Procedure.—B. Entry and inspection.—Section 544.)*

(b) every such order shall contain a brierslalernent Df the reasons for lhc suspension or lhc revocation of lhe liccnce or lhe written permission.

(4) When any such licence or written permission is suspended or revoked, or when lhe period Tor which the same was grained has expired,

llie grantee shall, for the purposes of this Act orthe rules or the regulations made [hereunder, be deemed lo be wilhout a licence or written permission until such lime as the order suspending or revoking ihe 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 lhis Act shall, al all reasonable times while such licence or written permission remains in forcc, if.so required by the Municipal Commissioner or by the other officer by whom it was granted, producc such licence or written permission.

COURT BOOK

B. Entry and inspection

544. The Municipal Commissioner or any oiherorflcer or employee Power, of or the Corporation authorised by the Municipal Commissioner or empowered by or under [his Aci, in this behalf may enter into or upon any land or building with or without assistants or workmen-

fa) for the purpose of ascertaining whether ihere is or has been in connection with the land or the building any contravention of lhe provisions of this Act or the rules or the regulations made [hereunder;

(b) for [lie purpose of ascertaining whether or not circumstances exist which render it necessary for or require the Municipal Commissioner or any other officcr or employee of the Corporalion authorised or empowered in this behalf to lake any action or execute any work under lhis Acl or the rules or lhe 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) Lo make such inquiry, inspection, examination, measurement, valuation or survey as may be authorised or required by or under this Act or necessary Tor the proper administration of this Act;

(e) generally for the purpose of efficient discharge of the functions by any of lhe authorities under this Acl or the rules

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Power lo 545i (i) T]ie Municipal Commissioner or any person authorised by enter land, , . ,
adjoining him or empowered by or under lhis Acl, in this behalf may enter upon relation **to** any 'ailc,
within one hundred metres of any work authorised by or under any wort,Qr wlthoUi. assistants or workmen for the purpose or

depositing thereon any soil, gravel, stone or other malcrials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(2) Ever)' person so authorised shall, before entering upon any such land state the purpose thereof, and sliall iT so required by the owner or the occupier thereof, Tcnce off so much of the land as may be required for such purpose,

(3) Every person as aforesaid shall, in exercising any powcrconferrcd by this seclion, do as liillc damage as may be, and compensation shall be payable by the Corporation in accordance wilh the rules or ihc regulations made under this Act in Lhis behalf to the owner or the occupier of such land or to both for any such damage, whelher permanent or temporary.

Broking inio building

546. (1) It shall be lawful for the Municipal Commissioner, or any person auihorised by him or empowered by or under lhis Act, in this behair '[io make any entry into, and lo causc to be vacated, any place] and lo open or cause to be opened any door, gate or other barrier,—

(a) iThe considers lhe opening thereof necessary for the purpose of such entry; and

(b) if (he owner or the occupier is absent or being present refuses ID open such door, gate or barrier :[or Lo vacate such place].

(2) Before making any entry inlo any such place or opening or causing to be opened any such door, gale or other barrier, the Municipal Commissioner or the person authorised or empowered in lhis behalf shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situate io witness Ihc entry or the opening and ;nay issue an order in writing to them or any of them so lo 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 placc or any door, gate or other barrier has been opened under this seclion.

'The words wilhin ihc square brackets were substituted for ihc words "to make any cnliy inlo any placc" by s. 23(a) of ihc Calculli Municipal Curporalion (Amendment} Act. I99fi (Wcsl Hen. Acl V] of 1996).

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547. Save as otherwise provided in lhis AcL or lhe rules or ihe rime of regulations made thereunder no eniry authorised by or under this Acl shall be made except between lhe hours of sunrise and sunset:

Provided that if the Municipal Commissioner is satisfied thai the ereclion of any building or lhe execution of any work lias been commenced or is being carried oil in contravention of the provisions of this Acl in any premises between the period of sunset and sunrise, he may, if he considers il necessary so lo do, enicr such premises during such period accompanied by a police officer to make an inspection thereof and lake such action as may be ncccssary under lhis Aci.

COURT BOOK
EMPOWERING LEGAL CLARITY

548. Save as otherwise provided in Lhis Act or the rules or the Consent regulations made thereunder, no land or building shall be entered wilhoui ^htSnelj[0] lhe consent of lhe occupier, or if there is no occupier, or the owner thereof and no such entry shall be made without giving such owner or occupier, as the case may be, nol less lhan iweiuy-four hours'wrillen notice of the intention to make such entry:

Provided lhat no such notice shall be necessary, if the land or lhe building lo be entered is a factory or workshop or trade premises or place used for any of Lhe purposes specified in section 435 or stable for horses or shed for cattle or lairine or urinal or work under construciion, 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 lhe rules or the regulations made Lhereunder.

Regard in be orrcl^k^-[1]' usages,

549. When any place used as a human dwelling is eniered under Lhis Act, due regard shall be paid lo lhe social and religious customs and usages of the occupants of the placc cnicred, and no apartment in the actual occupancy of a female shall be enicrcd or broken open until she has been informed that she is al liberty to withdraw and every reasonable facility has been afforded lo her for withdrawing.

550. No person shall obstruct or molest any person authorised or empowered by or under lhis Act, or wiih whom lhc Corporalion orany of the municipal aulhorilies referred to in seciion 3 has lawfully conlracled, in the execution of his duty or anything which he is authorised or empowered or required lo do by virtue or in consequence of any of lhe provisions of this Acl or lhe rules or the regulations made lhereunder, or

Prohibition of obstruction or mo I CM Mia IL **in i[1] A CL II h i'ifi** of work

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C. *Public notices and advertisements*

Public w bemadc[V] known.

551. Every public notice given under this Act or (he rules or Ihc regulations made thereunder shall be in writing tinder the signature of lhe Municipal Commissioner or any other officcr of the Corporation authorised in lhis behalf by the Municipal Commissioner, and shall be widely made known in the locality to be affected (hereby by affixing copies thereof in conspicuous public places wilhin such locality or by publishing lhe same by beat of drum or by advertisement in local newspapers or by any two or more of these means and by any other means that Lhe Municipal Commissioner may itiink fit.

COURT BOOK

Newspapers in which advertise mirnLs or notices lo be published.

552. Whenever il is provided by this Act or the rules or the regulations made thereunder that noticc shall be given by advertisement in local newspapers or a notification or information shall be published in local newspapers, such noiice, notification or information shall be inserted, if practicable, in at least two English newspapers and two vernacular newspapers published in '[Kolltataj,

D. Evidence

Proor of consenl, etc. of Mayor-in-Council. Municipal Commissioner crany other officer of the Corporaiion,

553. Whenever under this Act or the rules or the regulations made thereunder the doing of or the omission to do anything or the validity of anything depends upon the approval, sanction, consenl, concurrence, declaration, opinion or satisfaction of—

(a) the Mayor-in-Council;
(b) Lhe Mayor; or
(c) the Municipal Commissioner or any oiher officer of the Corporaiion,

as the case may be, a written document signed,—

(I) in cases referred to in clause (a), by the Munucipal Secretary, and

(ii) in cases referred to in clause (b) or clause (c), by Lhe Municipal Commissioner or such other officer of the Corporation,

purporting to convey or sec forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

E. Notices, etc.

Notices, etc. to fix reasonable lime.

554. Where any notice, bill, order or requisition issued or made under ihis Act or the rules or the regulations made thereunder requires anything to be done, for lhe doing of which no lime is fixed in lhis Acl or the rules or the regulations made thereunder, such noiice, bill, order or requisition shall spccify a reasonable Lime for doing the same.

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LIX of 1980.]

(Pari IX.—Powers, Procedures, Offences and Penal lies.— Chapter XXXV.—Procedure.—E. Nolices, etc.—Sections 555-557.1

555. (1) **Every licence, writ ten permission, nolice, bill, summons or** Signmun: on **other document, which is required by this Act or lhe rules or lhe regulations be' C'C' made thereunder io bear the signature of lhe Municipal Commissioner** siampcd. **or any olher officer oT lhc Corporation, shall be deemed Lo be properly signed if it bears a facsimile of the signature of the Municipal Commissioner or such ofneer, as the case may be, stamped thereupon.**

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon lhe Municipal Fund under seciion 126.

COURT BOOK
EMPOWERING LEGAL CLARITY

556, Every nolice, bill, summons or other document required by this Noiiccs CLC., **Actor lhe rules of the regulations made lhereunder Lo be served upon, or issued io, any person, shall he served or issued by an officer or olher issued, employee of lhe Corporation or by any person authorised by the Municipal Commissioner in that behalf.**

557. [1) Every notice, bill, summons requisition or other document Service of required or authorised by this Act or lhe rules or the regulations made nollccs_clc **thereunder io be served or issued by or on behalf of the Corporations or by any of lhe municipal authorities referred to in scction 3 or any officer, or employee of the Corporation shall, save as otherwise provided in this Aci or the rules or lhe regulations, made lhereunder be deemed lo be duly served—**

(a) where lhe person Lo be served is a company, i f ihe document is addressed to lhe secrelaiy of the company at its regislered office or al ils principal office or place of business and is either—
(i) senL by regislered post, or
(ii) delivered aL the regislered office or at Lhc principal office or placc or business of the company;

(b) where Lhe person to be served is a partnership, if lhc document is addressed Lo Lhc partnership at ils principal place of business identifying it by Lhe name or style under which ils business is carried on, and is either—-
(i) sent by registered post, or
(ii) delivered al the said placc of business;

(c) where lhe person io be served is a public body Corporation, society or other body, ir lhe document is addressed lo Lhe secretary, treasurer or other officer of such body, Corporation or socieiy at its principal office, and is either—
(i) sent by registered post, or
(ii) delivered at ihal office;

*(Part IX,—Powers, Procedures, Offences and Perallies.—
Chapter XXXV.—Procedure.—F. Enforcement of orders to execute work, etc.—Seciion 558.)*

(d) in any oilier case, il" lhe document is addressed io liie person io be served and—

(i) is given or tendered lo him, or

(ii) if such person cannol be found is affixed on some conspicuous pari of his lasi known place of residence or business, iT wiihin '[KolkalaJ, or is given or tendered lo some adult member of his family or is affixed on some conspicuous pari oflhe land or building, if any, lo which il relates, or

(iii) is seni by regislered post to such person.

(2) Any document required or authorised lo be served on the owner or lhc occupier of any land or building may be addressed lo "lhe owner" or "lhe occupicr", as lhe case may be, of such land or building (naming such land or building) wilhoui further name or description, and shall be deemed lo be duly served,—

(a) if lhe document so addressed is seni or delivered in accorcfancc with clause (d) of sub-scclion (1); or

(b) if the document or a copy thereof so addressed, is delivered lo some person on the land or lhe building or, where there is no such person to whom il can be delivered, is affixed to some conspicuous part or such land or building.

(3) Where a document is served on a partnership under this section, the document shall be deemed lo be duly served on each partner.

(4) For lhe purpose or enabling any document Lo be served on the owner of any premises, the Municipal Commissioner may by notice in writing require the occupier of such premises Lo stale Lhe name and address of Lhe owner thereof.

(5) Where the person on whom a document is Lobe served is a minor, the service upon his guardian orany adult member of his family shall be deemed to be scrvice upon llie minor,

(6) Nothing in sections 555 and 556 and in lhis seciion shall apply LO **any summons issued under this Acl by any court.**

(7) A servant is not a member or the family wiihin the meaning of this section.

F. Enforcement of orders to execute work, elc.

558. (I) When, under lhis AcL or lhe rules or lhc regulations made lhereunder, any requisition oT order is made by a wriilen nolice issued by any municipal authority of any officer or lhe Corporation, such authority or officer shall specify in such nolice such period, wiihin 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.

Time h)r complying wilii requisition ar order, and power of Municipal Commissioner lo en force requisition or order in default.

'*See* fool-nole 2 on page 573, *ante.*

COURT BOOK
EMPOWERING LEGAL CLARITY

' (2) If any such requisition or order or any portion thereofis no [complied with within the period specified under sub-section (I), the Municipal Commissioner may, subjeel Lu the provisions of seclion 559 and sucli regulations as may be made by the Corporaiion in lhis behalf, lake such measures or cause such work to be executed or such thing io 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 lhe 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 lake any measure, execute any work or cause anything to be done under this seclion, notwithstanding any prosecution or punishmeni or liability lo punishment of any person under this Aci or the rules or the regulations thereunder for his failure lo comply with such requisition or order.

559. (I) Any person who has been served with a written notice in Submission **which a period for receiving objections has been specified under io comply "[S] sub-scclion (1) of section 55S may, within such period, deliver to the** wiihnoiicc. **municipal authority or the officer of the Corporaiion, as the case may be,**
a written objection selling forth the reasons which he may desire to urge for the withdrawal or modification of such noticc,

(2) Every such objection shall be placcd before lhe Municipal Commissioner for determination and, pending such delermination,
compliance with any requisilion or order in accordance with such noiice shall be slayed.

(3) The Municipal Commissioner or, if he so directs, any other officer of the Corporation of ihe rank of a Joint Municipal Commissioner, other than an officer who has issued such noiice, shall, after hearing the person concerned or his agent duly authorised by him in writing in lhis behalf and after considering the circumstances or the case, make such order,
either confirming or modifying or cancelling the noticc as he thinks fit.

(4) (a) Where lhe Municipal Commissioner or Lhe other officer of the CorporaLion referred to in sub-seciion (3) makes an order under lhal sub-seciion, either confirming or modifying lhe noiice, he may, if he thinks fit —

(i) direct that a portion of (he expenses, if any, lo be incurred in complying wilh the notice as confirmed or modified shall be borne by lhe Corporation; and

(ii) fix a time wilhin which the notice so confirmed or modified shall be complied with.

(Pari IX.—Powers, Procedures, Offences and Penalties.— Chapter XXXV.—Procedure.— G. Recovery of expenses.— Sections 560-562.)

(b) ir lhe nolice as confirmed or modified is nol complied willi by llie person concerned wiihin lhe liine fixed under subclause (ii) of clause (a), the Municipal Commissioner shall lake sueh measures or cause such work lo be executed or such thing lo be done as may, in his opinion, be necessary for causing due compliance with such nolice, and lhe expenses, if any, incurred by lhe Municipal Commissioner in ihis behalf shall be payable lo lhe Municipal Commissioner on demand and if nol paid wiihin ten days afier such demand, shall be recoverable as an arrear of lax under Lhis AcL.

COURT BOOK
EMPOWERING LEGAL CLARITY

G. Recovery of expenses

Power of Corporalion lo cnicrimo agree men l for payment of expenses in instalments.

560. (1) When, under lhis Aci or lhe rules or lhe regulations made lhereunder, lhe expenses of any measures Laken or work executed or thing done by or under the order of any municipal authority or any officer of the Corporalion orany Migisirale are payable by any person, the Municipal Commissioner may, if he thinks fil and with the approval of lhe Mayor- in-Council, notwithstanding anything io the contrary contained in Lhis Acl or lhe rules or die regulations made thereunder enter iino an agreement wiih such person for payment of the sumc in such instalments and at sueh intervals as will secure the recovery of lhe whole amount due with interest ihereon at such rale of interest as may be determined by the Stale Government from lime to lime within such period, nol exceeding six years, as the Corporalion may determine.

(2) Every such agreement shall provide for adequate security against the whole amount due from such person.

Power of Corporalon to dcclarc ccrluin expenses lo be improvement expenses.

561. (1) If any expenses are lobe recovered or are incurred on account of any work mentioned—

(a) in section 292, scclion 294 and section 295, or

(b) in the rules or the regulations made under this Act, lhe Corporation may, if il thinks fit, declare such expenses lo be improvement expenses.

(2) A register shall be maintained by Lhe Municipal Commissioner showing all expenses declared lo be improvement expenses under this seciion, and such register shall be open to inspection by any person upon payment of such Tee as may, from lime io lime, be determined by the Corporation.

Improvement expenses. how recoverable and by whom payable.

562. (1) Any improvement expenses under seciion 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 lo discharge such expenses with interest thereon alsuch rate as may be determined by Lhe Stale Government from Lime Lo Lime within such period, not cxcecding thirty years, as the Corporation may in cach case determine.

(2) The improvemeni expenses shall be payable by the owner or lhe occupier of ihc premises on which such expenses are chargeable.

Rccovcry of improve m cm **capunscs** paid by eccupter,

563. NoLwithslancling anything contained in section 562 when lhe occupier of any premises pays any instalment of improvemeni expenses, he shall, subject io any agreemeni lo the contrary between himself and Lhe owner of such premises, be entitled to deduct the amount of such instalment from the rent payable by him to such owner or lo recover the same From such owner in pursuance of any order of a court of competent jurisdiction.

Right of **owner or** occupicr tg **redeem** charge for improveme nt **expense. *;,**

564. At any lime 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 CorporaLion such part of such expenses as is still payable.

Execution of work by oceupicr on the failure ur owner.

565. Whenever the owner of any land or building fails io execute any work which he is required to execute under this Aci or lhe rules or Ihe regulations made thereunder, the occupier, if any, of such land or building may, with the approval of lhe Municipal Commissioner, execute such work and shall, subject to any agreement Lo lhe contrary between himself and lhe owner of such land or building, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of lhe work and may deduct any amounl thereof from the rent payable by him to such owner,

Relief to receivers, agents and trustees.

566. (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 properly as receiver or agent or trustee of such properly, or

(b) being such receiver or agent or trustee would receive the rent if such property were let to a tenant,

bound Lo discharge any obligation imposed on lhe owner of such properly but has not at his disposal funds, belonging or payable Lo such owner, sufficient for the purpose of discharging such obligation, he shall, within a period of six weeks from Lhe date of service upon him, by any municipal authority or officer of the Corporaiion empowered in lhis behalf under this ACL, of any notice requiring him io discharge such obligation, apply to a courL of competent jurisdiction Tor leave lo 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 lo a court of competent jurisdiction under sub-section (1) or, after the court has granted leave to raise funds or has issued directions, fails lo discharge such obligation or lo comply wilh such directions within twelve months of such leave or such directions, he shall be personally liable to discharge such obligaLion.

H. Payment of Compensation

General power of Corporalion io p:iy compensation,

567. In any case not otherwise expressly provided Tor in Lhis AcL or Lhe rules oflhe regulations made [hereunder, ihe Municipal Commissioner with Lhe prior approval or ihe Mayor-in-Council may pay compensation to any person who sustains damage by reason of Lhe exercise of any power under lhis AcL or the rules or lhc regulations made thereunder by any municipal authority or any officer or other cmplyee of the Corporalion.

Compensation 10 be paid for damage to properly of Corporation.

568. (I) Any person who has heen convicted of an offence punishable under Lhis Actor the rules or the regulations made thereunder shall, withouL prejudice io any punishment to which he may subjeci, be liable io pay such compensation Tor any damage to any properly of lhe Corporation resulting from such offence as the Mayor-in-Council may consider reasonable.

(2) In lhc case of any dispute regarding the amount of compensation under sub-seclion (1), such amount shall, on an application, in writing, made by such person lo lhe Magistrate who convicts such person of such o (fence, be determined by such Magistrate. If the amouni or compensation so determined is nol paid by such person, the same shall be recovered under a warrant from such Magistrate as if il were a fine imposed by him on the person liable therefor.

I. Recovery of expenses or compensation in case of dispute

Reference by Corporalion to Court of Small Causes or to High Court in ccnain cases of recovery or expenses.

569. (1) If, in respect of any expenses referred to in seciion 560, any dispute arises, the Municipal Commissioner shall refer such dispute to Lhe Couri of Small Causes having jurisdiction or, if lhe amouni of such expenses exceeds two thousand rupees, LO the High Couri for determination.

(2) Upon such reference ihe 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 Couri, as Lhe case may be.

Applicalion to Court or Small Causes or to High Cnuti in certain eases of piym;n(of expenses or **LYifTifX'f v.r.ion**

570. Save as otherwise provided in this Acl or the rules or Lhe regulations made lhereunder or in any olher law in force for the lime 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 or the Corporation orany other person under lhis Act or the rules or the regulations made thereunder, lhe 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 lhe High CourL on an application being made by such person to lhe Court of Small Causes having jurisdiction or the High Court, as lhe case may be, in this behalT al any lime within one year from the date of such expenses or such compensation first becoming due.

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571. If lhe amount of any expenses or compensation determined under seclion 570 is not paid on demand, such amounl shall be recoverable as if Lhe same were due under a decree of lhe Court of Small Causes having jurisdiction or the High Court, as lhe ca.ic may be, or in lhe manner provided in Chapter XVI.

572. Notwithstanding anylhing contained in seclion 571, any expenses or compensation determined under section 570, may be recovered by a suit brought in a court of competent jurisdiction,

Recovery ol expenses or compensati on determined under scclion 570.

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IMPROVING LEGAL CLARITY

J. Recovery of certain dues

573. Save as otherwise provided in Lhis Acl or the rules or the regulations made thereunder, any sum due io Lhe Corporation on account of any charge, cost, expense, fee, rale or rent or on any other account under this Acl or lhe rules or the regulations made thereunder shall be recoverable from the person from whom such sum is due as if il were a consolidated rate:

Recovery of expenses or compensation by suit in court.

Provided lhat no proceedings for Lhe recovery of any such sum under lhis seclion shall be commenced after lhe lapse of ihrce years from the dale on which such sum becomes due.

Recovery of ccnain dues of Corporation.

K. Obstruction to owner by occupier

574. (1) Any owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision or Lhis Aci or lhe rules or lhe 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 Lhe time fixed for compliance with such provision or requirement, and thereupon such owner shall nol be liable for bis failure to comply wilh such provision or requirement within lhe time fixed for such compliance.

(2) On receipt of any application under sub-seciion (1), lhe Couriof Small Causes may make a written order requiring the occupicr of the land or lhe building, as the case may be, to afford all reasonable facilities to the owner for complying with lhe provision or the requirement as aforesaid, and may also, if il thinks ftl, direct that the costs of such application and order shall be paid by the occupier.

Applie.il ion to Coun of Small Causes by owner when nceu pier prevents from complying wilh Acl. ctc.

(3) The occupier shall, within cighl days from lhe dale of any order under sub-section (2), afford all reasonable facilities to the owner in compliance wilh such order. In Lhe event of any continued refusal by the occupier to do so, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise have incurred by reason or his failure lo comply wilh lhe provision or the requirement as aforesaid.

(Pari IX.—Powers. Procedures, Offences and Penalties.—Chapter XXXV.—Procedure.—L. Proceedings before the Court of Small Causes.—Sections 575, 576.)

L. Proceedings before the Court of Small Causes

Procedure in Court of Small Causes,

575. (1) Whenever under this Acl any application, appeal or reference is made lo a Court of Small Causes having jurisdiction, Lhe Couri may, for lhe purpose of any inquiry or proceeding in connection with such applicalion, appeal or reference, summon and enforce lhe aliendance of witnesses and compel ihem lo give evidence or compel lhe production of documents by Lhe same means and, as far as possible, in lhe same manner as is provided in lhe Presidency Small Cause Courts Aci, 1882 or lhe Provincial Small Cause Courts Act, 1887, as lhe case may be. And, in all mailers relating io any such inquiry or proceeding, lhe Couri shall be guided generally by lhe provisions of lhe Presidency Small Cause Courts Acl, 1882 or the Provincial Small Cause Courts Act, 1887, as lhe case may be, so far as such provisions are applicable io such inquiry or proceeding.

15 of 1882. 9 of 1887.

(2) If, in any such inquiry or proceeding, any person summoned lo appear before lhe Court fails lo do so, the Court may proceed wiih 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 lhe Court may direci, and lhe amount of such cosi shall be recoverable as if the same were due under a decree of the Court.

Tees in proceedings before Small Causes Courts.

576. (1) The State Government may prescribe a fee—

(a) for making under lhis 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 wiih such application, appeal or reference:

Provided lhat lhe fee, if any, under clause (a) shall not, in a case where lhe value of any claim is capable of being eslimaled in money, exceed the fee leviable in a similar case under the Presidency Small Cause Courts Acl, 1882 or the Provincial Small Cause Courts Aci, 1887, as the case may be.

(2) No applicalion, appeal or reference under this Act shall be received by a Court of Small Causes having jurisdiction until the fee, if any, under the clausc (a) of sub-seclion (1) has been paid:

Provided lhat lhe Court may, in any case in which it thinks fit so lo do,—

(i) receive such application, appeal or reference, or

(ii) i ssue summons or olher process in connection with such application, appeal or reference,

without payment of such fee.

(Part IX.—Powers, Procedures, Offences and Penalties.— Chapter XXXV.— Procedure.—L. Proceedings before the Court of Small Causes.— Sections 577, 578.—M. Magistrates and proceeding before Magistrates.—Section 579.)

Refiaymcnl of half of fees on seulcmcnl before hearing.

577. Whenever under this Acl any applicalion, appeal or reference to a Couri of Small Causes having jurisdiction is settled by agreement between the parties concerned before hearing of such applicalion, appeal or reference, half lhe amount of any fee paid by any of such parlies under sub-seclion (2) of seciion 576 shall be repaid by lhe Coun lo such party.

Territorial jurisdiction of Courts of Small Causes.

578. Notwithstanding anyihing to lhe contrary coniained in any other law in force for the lime being, lhe Court of Small Causes having jurisdiction shall, for lhe purpose of this Chapter, mean,—

(a) in relation lo any place wiihin the local limits of lhe jurisdiction of lhe Couri of Small Causes of '[Kolkata], lhai Court, and

(b) in relation to any other place, the Court of Small Causes at Sealdah.

M. Magistrates and proceeding before Magistrates

Municipal Magistrates.

579. (1) The Slate Government may appoint one or more Judicial Magistrates of first class for lhe trial of offences against—

(a) this Aci, and

(b) the rules or the regulations made thereunder,

and may prescribe the time and Lhe place at which such Magistrate or Magistrates shall sit for lhe conduct of business. Every such Magistrate shall exercise all other powers and discharge all other functions of a Magistrate as provided in lhis ACL.

(2) Any Magistrate appointed under sub-seclion (I) shall be called Municipal Magistrate and shall, when functioning within the Presidency- town of '[Kolkaia] or wiihin lhe limits oflhe Port of '[Kolkaia], be deemed to be a Metropolitan Magistrate for the purposes of the Code of Criminal Procedure, 1973.

(3) A Municipal Mugisiniie shall, if he is stipendiary, be paid by the Slate Government such salary, pension, leave and other allowances as il may, from lime io lime, determine.

2 of 1974.

(4) The Corporalion shall pay lo the State Government out of the Municipal Fund any amouni paid by the Stale Government on account of salary, pension, leave and olher allowance of a Municipal Magi sir ale 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'[Kolkata],

'*Sen* font-note *1* on nacc 573, *ame.*

(Pan IX.—Power.':, Procedures, Offences and Penalties.— Chapier XXXV.— Procedure.—M. Magistrates and proceeding before Magistrates.—Sections 580-583.}

Cognizance of olTcnccs.

580. AU offences against this Act or the rules or the regulations made thereunder, whether committed within or outside '[Kolkata], shall be congnizable by any Municipal Magistrate having jurisdiction and such Magistrate shall not be deemed to be incapable of taking cognizance or 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 Aci any consolidated rate or other tax, or
(b) benefited by the Municipal Fund.

Power of Municipal Magistrate to hear eases in absence of accused summoned to appear

581. If, in any case, any person, who is summoned to appear before a Municipal Magistrate to answer any charge or an offence under this Acl 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 Lo which the hearing or such case is adjourned, the Municipal Magistrate may, ir—

(a) service or the summons is, to his satisfaction, proved lo 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.

Limitation of time for proscculion.

582. (1) No person shall be liable lo any punishment for an offence under lhis Act or the rules or lhe regulations made thereunder unless a complaint of such offence is made before a Municipal Magisirale wilhin six months nexi after—

(a) the date of commission of such offence; or

(b) the date on which lhe commission or the continuance of such offence is first brought lo the notice of the Corporaiion or Lhe Municipal Commissioner.

(2) For lhe avoidance of doubts, it is hereby declared lhat any failure to luke out a licence under this Aci or lo pay tax under scclion 199 shall, for lhe purpose of sub-section (1), be deemed to be a continuing offence until ihc expiration of the period for which such licence is required to be taken.

Complaint regarding nuisanccs and **procedur e therefor,**

583. (1) The Municipal Commissioner, or any other officer of the Corporaiion authorised by him in Lhis behair, or any person who resides or owns properly in '[Kolkaia], may complain or the existence of any nuisance Lo a Municipal Magisirale.

fnnl-nrtfp on rnor S71. *fititi**

COURT BOOK
EMPOWERING LEGAL CLARITY

LIX or 1980.]

(Part IX.—Powers. Procedures, Offences and Penalties.— Chapter XXXV.—Procedure.—M. Magistrates and proceeding before Magistrates.—Section 584.—A'. Legal proceedings.— Section 585.)

(2) Upon rcceipL of any such complaint, lhe Municipal Magistrate, after making such inquiry us 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 lhe building on which such nuisance exists lo lake, within such period as may be specified in the order, such measures for abating, preventing, removing or remedying sucli 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 Aci or lhe rules or the regulations made thereunder for prevention of such nuisance. The Municipal Magistrate may further direct the person held reasponsible for the nuisance to pay to llie complainant such resonable cost of the complaint (including compensation for loss of lime in prosecuting such complaint) as lhe Municipal Magistrate may determine:

Provided thai where, in the opinion of the Municipal Magistrate, immediate action to prevent Ihe nuisance is necessary, he may dispense wiih the inquiry and make forth wiih such order as he considers necessary,

(3) ir any person responsible for any nuisance or any owner of any land or building on which any nuisance exists fails lo comply with any order under sub-section (2) wiihin the period specified in the order, the Municipal Commissioner may, on lhe expiry of such period, proceed to lake measures in accordance wiih the order, or may take such other measures lo abate, prevent, remove or remedy Ihe nuisance as he may consider necessary and the cost of any such measures shall be recovered from such person or such owner, as lhe case may be.

584. **Tf, under lhis Act or lhe rules or lhe regulations made Lhereunder, any person is, in respeci of any unlawful work, liable—-**

(a) lo pay any fine, and also

(b) lo demolish such work, .

a Municipal Magistrate may, in his discretion, direct such person to pay lhe fine and also io demolish the work.

Power of Municipal Mogislr-Jie io direct pay men l of line and demolition of unlawful wtirfc.

N. Legal proceedings

585. **The Municipal Commissioner may—**

(a) take, or withdraw from proceedings againsi any person who is charged with—

(i) any offence under Lhis Act orany rule or regulation made thereunder, or

(ii) any offence which affecls or is likely to affect any property or interest of the Corporation or the due administration of this AcL, or

(iii) committing any nuisance whatsoever;

Power lo institute, elc., legal proceedings and obtain legal advice.

• **[West Ben. Acl**

(Pari IX.—Powers, Procedures, Offences and Penalties.—Chapter XXXV.—Procedure.—N. Legal proceedings.—Section 586.)

(b) conies I or compromise an appeal against assessment of any consolidated rate or other tax;

(c) lake, or withdraw from, or compromise, proceedings under sections 56S and 570;

(d) withdraw or compromise any claim against any person in respect of □ penalty payable under a contract entered into wilh such person by the Municipal Commissioner on behalf of lhe Corporaiion;

(e) defend any suit or other legal proceeding brought against lhe Corporation or against any municipal authority or any officer or employee of Ihe 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 or the 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 aulhoriiy or any officer or employee of the Corporation in respcct of anything done or omitted to be done as aforesaid;

(g) institute or prosecute any suit or other legal proceeding or wilh lhe approval of the Mayor-in-Council withdraw from or compromise any suit or claim, other lhan a claim referred to in clause (d), instituted or made, as the case may be, in lhe name of the Corporation or of Lhe Municipal Commissioner;

(h) obtain, for any of the purposes mentioned in Lhe foregoing clauses of this section or Tor securing lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any officcr or employee or the Corporation, such legal adviccand assistance as he may from lime to lime, consider necessary or expedient, or be required by the Corporaiion or the Mayor-in-Council, lo obtain.

COURT BOOK
EMPOWERING LEGAL CLARITY

Noticc, and lender of su^againsi th^e C o r p o r a i o n , . . .

586, (1) No suit shall be instituted in any court having jurisdiction limitation . , . . **against any municipal authority or any orncer or employee of the Corporation or any person acting under the direction of any municipal authority or any officer or employee or Lhe Corporaiion in respeci of any** .

■ made thereunder, until the expiration of one month next after a nolice in writing has been delivered or left al the office of such authority or al [he office or Lhe residence or such officcr or employee or person, staling—

(a) Ihe cause of action,

(b) the name and residence of the intending plairuiff, and

(c) the relief which such plaintiff claims.

(2) Every such suit shall be commenced within Tour months next after accrual of ihecause of action, and lhe plaint therein shall contain a stalemeni that a notice lias been delivered or left as required by sub-section (I).

(3) If the municipal authority, al the office of which, or the officer or lhe employee of the Corporation or the person acting under lhe direction of any municipal authority or any officer or employee of the Corporalion,
al the office or the residence of whom, a nolice has been delivered or left under sub-seclion (I), satisfies lhe court having jurisdiction that Lhc relief claimed was tendered to the pi arm iff before Ihe institution of the suit, the suit shall be dismissed.

(4) Nothing in lhe foregoing sub-seciions shall apply to any suit 47 of 1963.
instituted under section 38 of the Specific Relief Acl, 1963.

587. No suits shall be maintainable against any municipal authority or indemnity, any officcr or employee of the Corporation or any person acting under
the direction of any municipal authority orany officer or employee of the Corporalion or of a Magistrate in respcct of anything done lawfully and in good failh and with due care and attention under this Acl or the rules or the regulations made lhereunder.

O. Power and duties of Policc-Offtcers

588. (1) The Inspector-General of Police, West Bengal, the Cn-opermion Commissioner of Police, '[KolkaLa], and Lhcir subordinates shall,— of ihe police,

(a) co-operate with lhe Corporation for carrying into effecL and enforcing the provisions of this Act and for maintaining good order in and oulside '[Kolkata], and

(b) assist lhe Corporation or the Municipal Commissioner or any other officcr or employee of the Corporation in carrying out any order made by a Magistrate under this Act.

'*Sec* fool-nole 2 on page 573. tifUc,

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(2) Il shall be the duty of every police-officer in or outside'[Kolkaia]—

(i) LO **communicate without delay to ihe Municipal Commissioner or any oiher officcr of the Corporation any information which he receives in respect of any design to commit or any commission of any offcnce under this Acl or lhe rules or lhe regulations made thereunder, and**

(ii) to assist Lhe Municipal Commissioner or any other officer or employee of the Corporation reasonably demanding his aid for the lawful exercise of any power vesling in lhe Corporation or lhe Municipal Commissioner or such officer or employee under this Aci or lhe rulus or Lhe regulations made thereunder.

(3) Any officer or employee of lhe Corporation may, when empowered by a general or special order of the In spec lor-Genera I or Police, Wesl Bengal or the Commissioner orPolice, '[Kolkata], on the recommendation of the Corporaiion in lhat behalf, exereisc the powers of a police-officer for such of (he purposes or this Acl as may be specified in such order.

Power of 589. (1) Any police-officer may arresl any person who commits, in police io **his view, any offence under lhis Acl or Lhe rules or lhe regulations made** offenders. **thereunder, provided lhat the name and address of such person are unknown lo him and such person declines lo give, on demand, his name and address or gives a name or address which lhe police-officer has reason to believe lo be Talse.**

(2) No person so arrested shall be detained in custody afLer his true name and address are ascertained or wilhoul ihc order or a Magistrate, for a period longer lhan twenty-four hours from lhe Lime of arrest exclusive of the time necessary for the journey from lhe place of arrest to the coun of sueh Magislrale.

(3) On the written application of lhe Municipal Commissioner or lhe Joint Municipal Commissioner or the Deputy Municipal Commissioner or the Municipal Engineer-in-Chief or ihe ChiefMunicipal Health Officer or any oiher officcr authorised in lhis behalf by the Municipal Commissioner or any such officcr, 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 lhe exercise of any power or performance or any function or discharge or any duly under lhis Acl or lhe rules or lhe regulations made thereunder.

'See fool-nolc 2 nn page 573, *ante.*

(4) On Ihe written application of the Municipal Commissioner or a Joint Municipal Commissioner or a Depuly Municipal Commissioner or any other officcr not below the rank of a Chief Municipal Architect authorised in lhis behair by the Municipal Commissioner, any police-officer above ihe rank of a constable shall arrest any person who in violation of llie order referred ro in sub-section (1) of section 401 commenccs the erection of a building or execution of any work referred to in Lhat sub-seclion or carries on such erection or such execution.

COURT BOOK
EMPOWERING LEGAL CLARITY

P. General Provisions

590, No nolice, order, requisition, licence, writlen permission or any Validity **of olher document issued under this Acl shall be invalid merely by reason of defect of form.** dueumcnis.

591. A copy of any receipt, application, plan, notice, order or other Admissibility **document or any entry in a register in the possession of any municipal authority shall, if duly certified by the legal keeper thereof or olher person evidence, authorised by the Municipal Commissioner in lhis behalf, be admissible in evidence of the existence of Lhe document or entry, and shall be admitted as evidence of the mailers and transactions therein recorded in every case where, and to the same extent LO which, the original document or entry would, if produced, have been admissible to prove such matters and transactions.**

592, No officer or other employee of the Corporation shall in any legal Evidence of proceedings lo which the Corporation i s nol a party, be required lo produce any register or document the conients of which can be proved under seciion ihe 591 by a certified copy, or to appear as a witness lo prove any mailer or Corporalion. transaction recorded therein save by order or the court made for special cause.

593. No person shall obstruct or molest '[any municipal authority] or the Mayor or Mayor or any Councillor or Alderman or any person employed by the Corporation performance of ils or his duty or of anything which it or he is empowered or by virtue or in consequence of any provision of this AcL or the rules or lhc made thereunder.

Pioliibiiion **agam^l** obsiruc **lion** of Mayor or .my municipal aulhorily, elc.

the Deputy [2] * * * in ihe required to do regulations

'The words wiihin llic square brackcls were **subsumed** Tor lhc words "ihe Corporalion or any municipal authority" by s.43 (a) of llie Calcutta Municipal Corporation (Second Amendment) Aci. 1984 (Wesi lien. Act XI11 of 1984).

The wonls "or any person wiLh whom llic Municipal Commissioner lias entered inlo a contract on behalf of ihe Corporalion" were omitted hv f.43 fhl. *ibid*

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pfoliibition **594, No person shall remove any mark sel up for ihc purpose of j^ainsl** removal of **indicating any level or direction incidenl.il lo lhe execution of any work authorised by lhis Act or the rules or (he regulations made thereunder.**

Prohibition againsi removjlor oblilt! ration of nolicc.

595. No person shall, without authority in (hat behalf, remove, destroy, deface or otherwise obliterate any notice exhibited by or under orders of the Corporaiion or any municipal authority or any officer or other employee of Ihe Corporaiion specified by the Municipal Commissioner in this behalf.

Prohibilion again.[1],! **unauthorised puhMc^plaee[1] ^materials.**

a96. No person shall, wiiliout authority in **lhal behalf, remove earth, sand or oilier material from or deposit any mnLter in or make any encroachment on, any land vesled in ihe Corporation, or in any way obslruc1 lhe sarnc.**

Liability of 597. (1) Every Councillor or Alderman, lhe Municipal Commissioner, Municipal **Commissioner, or every oiher officer or employee of ihe Corporation shall be liable for tic. for loss, WHMC or ihe loss, wasie or misapplication of any money or oiher propeny owned ^rMumcipaT or vested in lhe Corporation, if such loss, waste or misapplication is Fond or a direct consequcnce of his neglect or misconduct, and a suit for Property. compensation may be instituted against him by ihe Slate Government or by the Corporation wilh the previous sanction of the Slale Government.**

(2) Every such suit shall be instituted wilhin three years from the date immediately following lhe dale on which the cause of action arose.

Councillors mid officers and **other employees of die** Corporator; lo be public **servants.**

598. Every Councillor, every Alderman, lhe Municipal Commissioner, and every oiher officer or employee of the Corporaiion shall be deemed to be a public servent wilhin lhe meaning of section 21 of the Indian Penal Code, and in lhe definition of "legal remuneration" in section 161 of thai Code, lhe word "Government" shall, for the purpose of this seclion, be deemed 10 include lhe Corporation.

45of I860.

:r bws 599. Save as otherwise provided in this Aci, nothing conlained in lhis not to be **^c(,jIn]] JJG cunsiruecii iQ authorise the Corporation or any municipal auihorily or any officer or other employee of lhe Corporation lo disregard any law for the time being in force.**

(Part IX.—Powers, Procedures, Offences and Penalties.— Chapter XXXVI.—Rules and Regulations.—Sections 600-603.)

CHAPTER XXXVI Rules und Regulations

600. (1) The Stale Governmeni may. after previous publication, make rules for carrying out the purposes of lhis Acl.

Power (<i mnkc njkvi

(2) In particular and wiihouL prejudice io lhe generaliiy of llie foregoing power, such rules may provide for all or any of die mailers which under any provision of ihis Act are required io be prescrib&d or Lo be provided for by rules.

(3) All rules made under lhis AcL shall be laid for nol less than fourteen days before Lhe Stale Legislature as soon as possible after they are made and shall be subject LO **such modi fication as lhe Stale Legislature may make during the session in which they are so laid. Any modification of the the said rules made by the Slate Legislature shall be published in lhc *Official Gazette*, and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.**

COURT BOOK
EMPOWERING LEGAL CLARITY

601. The Slaic Governmeni may, or on the recommendation of the Corporalion shall by notification, add lo, amend, or alter any Schedule to (his AcL except Schedule I.

Power to **.mic nd** Schedule,

602. The Corporation may make regulations, not inconsistent widt the provisions of Lhis Act or the rules made thereunder for discharging ils functions under this AcL.

Power lo **make** rej;ul,nign5-

603. The power lo 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:

Condition prcccdrnt lo die making rcgukuions. ’

(a) a draft of the regulations shall be published in the *Official Catette*

(b) such draft shall not he 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;

(e) for not less lhan one month during such period, a primed copy of such drafi shall be kepi at the office of the Corporalion Tor public inspection, and any person shall be permitted at any reasonable lime lo persue the same, free or charge; and

(d) printed copies of such draft shall be obtainable by any person requiring the same on payment of such fee LIS **may be fixed by the Mayor-in-Council:**

Provided lhat lhe provisions of this section shall not apply to any

(Part IX. —Powers, Procedures, Offcnces and Pen allies.— Chapter XXXVI.—Rules and Regulations,—Sections 604-607.)

604, (1) No regulation made by Ilie Corporaiion under litis Acl shall have any validity unless and until i(is approved by the State Government.

(2) Before approving any such regulation, ihe Slale Government may modify it:

Iterations to bu subjeel lo approval or State Government,

605. (1) If the Stale Government is, al any lime, of opinion that any regulation made by the Corporation under ihis Acl should be cancellcd or modified eiiher wholly or in pari, it shall cause the reasons for such opinion to be communicated io lhe Corporaiion. and shall appoint a reasonable period wilhin which the Corporaiion may make such representation wilh regard thereto as iL may think fit.

Power of Stale Government to cancel or modi ly regulations.

(2) After receipt and consideration of any such representation or, if in lhe meantime no such representation is received, after the expiry of the period as aforesaid, the State Government may at any lime, by notification, cancel or modify such regulation either wholly or in pan.

(3) The cancellation or modification of any regulation under sub-section (2) shall take effect from such dale us ihe Slate 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 Lhal such cancellation or modification shall not affect anything done or suffered or omitted lo be done under such regulation before such dale.

(4) Any notification under sub-section (2) shall be published in local newspapers.

Supple menial provisions respecting regulations.

606. Any regulation, which may be made by the Corporation under this Act, may be made by the State Government wilhin 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.

Penally for breaches of regulation.

607. (I) Any regulation made under this AcL may provide thai a contravention thereof shall be punishable—

(a) wilh fine which may extend to two thousand and five hundred rupees; or

(b) wilh fine which may extend to two thousand five hundred rupees and in the case of a continuing contravention, wilh an additional fine which may extend to one hundred fupees for every day during which such contravention continues after conviction for the first such contravention; or

'Proviso was omiticd bys. 24 of the Calculla Municipal Corporaiion (Amendmenl) Acl.

. f y` nn/TN

(c) with fine which may ox lend lo one hundred rupees for every day during which lhe contravention continues after lhe receipt of a nolice from the Municipal Commissioner or any oilier officer or lhc Corporation, duly authorised in that behalf, by lhe person contravening lhe regulation requiring such person lo discontinue such contravention,

(2) Any such regulation may also provide that a person contravening lhe same shall be required io remedy, so far as lies in his power, lhc mischief, if any, caused by such conlravcntion.

Rules an J regulations to be available for inspeclion nnd purchase,

€08. (I) A copy of all rules and regulations made under this Act shall be kept at the office of lhe Coiporniion and shall, during office hours, be open, free of charge, lo inspeclion by any inhabitant of'[Kolkaia], (2) Copies of all such rules and regulations shall be kepi al lhe office of the Corporation and shall be sold lo the public al such price as lhe Mayor-in-Council may determine either singly or collectively at lhe option of Ihe purchaser.

Doubts as lo powers, dulies or Tune lions of municipal aulho rilics.

609. ir any doubt arises as to llie municipal authority lo which any particular power, duly or function appertains, the Mayor shall refer lhe mailer lo the State Governmeni and Lhe decision of lhe Slate Government Ihereon shall be final.

CHAPTER XXXVII
Offences and penalties

Punishment for ccrcain offcnccs.

610. [7](1) Whoever—

(a) contravenes any provision of any or the sections, sub-sections, clauses or provisos, or any oLher provison, of this Acl mentioned in column I of Schedule VI, or

(b) fails Lo comply with any order or direction lawfully given to him or any requisition lawfully made to him under any such seciion, sub-section, clause or proviso or olher provision, shall be punishable—-

(i) with fine which may extend to the amouni, or with imprisonment for a term which may extend to Lhe period, specified in Lhai behalf in column 3 of lhe said Schedule or with both, and

(ii) in lhe case or a continuing contravention or failure, wilh an additional fine which may extend ID ihe amount specified in column 4 of the said Schedule for every day during which such coniravenLion or failure continues afler conviction forthe firsi such con (raven lion or failure,

'(2) Notwithstanding anything contained in sub-section (!) or in section 199 or elsewhere in Lhis Acl, within a period of six months from the dale of coming into force of section 6 or Ilie Calcutta Municipal Corporation (Amendmenl) Aci, 1992 (hereinafter in lhis sub-section referred to as the said date), every person engaged un the said dale in any profession, trade or calling in [2][Kolkaia] as specified in Schedule IV, either by himself or by an ageni or representative, shall obtain the certificate or enlistment referred Lo in sub-seciion (1) ofscciion 199 in respect of Lhe period from the 1st April, 1990 lil! (lie date immediately before lhe said date in accordance wilh the provisions of section 199 and lhe rules, if any, made under section 600.

'(3) Whoever commits any offence by contravening the provisions of sub-seciion (2) shall he punished wilh fine in accordancc with ihe provisions of this section.

COURT BOOK
EMPOWERING LEGAL CLARITY

Punish mem Tor acquiring share or imcrcsl in contract, tic., wilh Ihc Corporation.

611. Any Councillor or Alderman, or any member, noi being a Councillor or Alderman, of any committee of the Corporaiion, who knowingly acquires, 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 io have without being thereby disqualified for being a Councillor or Alderman or member or any committee or ihe Corporation, and the Municipal Commissioner or any other officer or employee or Ilie Corporation, who knowingly acquires, directly or indirectly, any share or interest, noL being an interest referred lo in the proviso to sub-section (1) of seclion 101, in any contract made with, or any work done, for, lhe Corporation shall be deemed to have commitled the offcnce punishable under section 168 of lhe Indian Penal Code.

45 of I860.

612. Ifiiny person— (3) [A]24 *

Fine for not pying ui\ under Chapter XII [1] * * Â* or Chapie r XIV.

24Scr fool-nolc 2 on page 573, ujj/t.

'Scclion 61(1 was renumbered as sub-scclion {!) or lhai seciion anil after sub-scclion (1) as so renumbered. sub-see lions (2) and (3) were inserted by s.G of lhc Cikulla Municipal

[1]St't'r Foot-note *1* on page 875, *ante.*

[2]*Sfc* fuoi-tioie 2 on page 573. *ante.*

[J]The ivordsand figures, in the miujincl nolc, "or Chapter Xlll" were omitted by s.7(a) of the Calculla Municipal Corporaiion (Amendmenl) Acl. 1992 (Wesi Bca, Act IX of 1392).

'The words wilhin Ihe square brackets were substituted for the words "ihrec limes" by s. 21 (a) of ihc Calculla **Municipal Corporation { Amendmenl) Acl, 19HK (Wcsl Ben. Act XXI** on 988).

The words wilhin the square brackets were substituted for Ihc words "onc-:ind-a-half times" by .■>. 21(b), *ibid.*

COURT BOOK
EMPOWERING LEGAL CLARITY

(b) erects, exhibits, fixes orrelains any advertisement referred to in Chapter XIV,

without paying any tax under thai Chapter, he shall be punished with fine which— (i) may extend lo an amount equal to '[five times] the amounl payable as such tax, and (ii) shall nol ordinarily be [ess lhan an amount equal lo - [two limes] such lax.

Pine for putting building io any use other ihnn thai Tor which a liccnce has been granted.

613. When any premises is used or is permitted io be used by any person Tor any purpose other than lhat for which a licence has been granted under sub-section (1) of scclion 435 or as a stable or a cattle-shed or a cow-house, then such person shall, without prejudice loany other penally to which he may be subject, be liable to a fine which may extend, in lhe case of a masonry building, to two hundred and fifty rupees and, in the case of a hut, to twenty-five rupees, and, in ihc case of continuance of such use, to a further fine which may extend, in ihc case of a masonry building, to fifty rupees and, in the case of a hm, to five rupees for each day during which such use continues after the first day.

COURT BOOK
EMPOWERING LEGAL CLARITY

Penalty Tor obstructing com met or.

614. Whoever obstructs or molests any person wilh whom the Corporation has entered into a contract for execuiion or any work under this Act shall, on conviction, be punished with imprisonmeni for a term which may extend lo two months or with fine which may extend to two hundred rupees.

Penalty Tor causing dnnujj't; lo properly belonging lo Corporation.

615. No person shall cause any damage lo any property belonging lo the Corporation. Any person causing any damage to any properly belonging to the Corporaiion shall, on conviction, be punished with fine which may extend (o one thousand rupees.

Penally on inelhors, elc. withdrawing from wurk wiihour nnlice.

616. If any melhor or other employee of the Corporation referred to in seclion 342 withdraws from his dulies in contravention of lhe provisions of that seclion. he shall, on conviction, be punished wilh simple imprisonment for a term which may extend to three months or with fine which may extend to fifty rupees or wilh both and be liable to forfeit any salary that may be due lo him.

COURT BOOK
EMPOWERING LEGAL CLARITY

(Pari IX.—Powers, Procedures, Offences and Penalties.— Chapter XXXVIL—Offences and penalties.—Sections 617-619.)

COURT BOOK
EMPOWERING LEGAL CLARITY

Punishment of imprisonment in default of **payment or** (inc.

617. In every case where, under lhis Acl, an offence is punishable wiih 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 lhc case may be, such further term, not exceeding six months, as lhe Court may fix,

General penally.

618. Whoever, in any case in which a penalty is not expressly provided by this Act, fails lo comply wiih any notice, order or requisition issued underany provision thereof, orolherwise contravenes any of the provisions of this Act, shall be punishable wiih fine which may extend loone thousand rupees, and in the case or a continuing failure or contravention, wiih an additional fine which may cxlend to one hundred rupees for every day after lhe first during which he has persisled in such failure or contravention.

Offerees by **companies.**

619. (1) Where an offence under this Act has been committed by a company, every person who, al llie time lhe offence was committed, was in charge of, and was responsible lo, llie company for the conduct of lhe business of the company, as well as (he company, shall be deemed io be guilty of the offence and shall be liable (o be proceeded against and punished accordingly:

Provided thai nothing contained in lhis sub-seclion shall render any such person liable lo any punishment provided in this Acl if he proves that (he offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Nol withstanding anything contained in sub-section (1), where an offence under this Act has been commilied by a company and it is proved thai the offence has been committed with the consent or connivance of, or is attributable lo any neglect on the part of, any director, manager, secretary or other officer oflhe company, such director, manager, secretary or other officer shall ulso 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 corporaic, and includes a firm or olher association of individuals: and

(b) "director" in relation to a firm means a partner in lhe firm,

2 of 1974. '619A. [1](1) The Code of Criminal Procedure, 1973 shall apply io— Certain offences io

(1) an offcnce under sub-secilon (5) of scclion 365 or section be 392 or sub-section (1) of scclion 393 or sub-section (1) of [co]S[niz;iti,c] seciion 394 or section 400 or seciion 401 or scction 402, and

(2) an offence under sub-section (1) of scclion 369 or sub-section (1) of seciion 371 or sub-seclion (1) of scclion 377 in relation lo any sireel which is a public street,

as if it were a cognizable offence—

(a) Tor lhe purpose of *investigation* of such *offence*; and

(b) for the purposes of all mailers other lhan—

(i) the mailers referred lo in section 42 of lhat Code, and

(ii) lhe arrest of a person, except on the complaint of, or upon information received from, lhc Municipal Commissioner or any person authorised by him by general or special order in this behalf:

Provided that no offence of lhc contravention of any condition subjeci to which sanciion was accorded for ihe ereclion of any building or lhe execution or any work shall be cognizable, if such contravention rclales io any deviation from any plan of such ereclion or execution sanctioned by the Municipal Commissioner which is compoundable on payment of an amouni under lhe rules and regulation relating lo buildings made under this Acl.

[2](2) No court inferior io that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall Uy any offence punishable under lhis Acl.

[1](3) Except as otherwise provided in sub-scclion (1), no court shall lake cognizance of any offence punishable under this Aci or of the abatement of any such offence—

(a) save on its own knowledge of the offence or police report of (he facts which consficute Ihe offence, or

(b) save on complaint made by the person aggrieved by the offence or the parent or olher relative or such person or any recognised welfare institution or any recognised professional institution or organisation of engineers, architects or technocrats.

[1]Scction *619A* was inserted toys. *22 oflhe Calculla Municipal Corparju'nn (Amendment)* Act. 1988 (Wcsl Den. Acl XXi of 1988).

[2]Scclion 6I'M was renumbered as sub-seclion (I) of ilinl section anil uflcr sub-scclion (I) a? so renumbered, sub-scclions (2) and (3) were inserted by s. 25 of lhc Calculla Municipal Corporalion (Amendment) Acl, 1996 (Wcsl Ben. Aei VI of 1996).

COURT BOOK
EMPOWERING LEGAL CLARITY

[Wesl Ben. Act

(Part IX.—Powers, Procedures, Offences and Penalties.—
Chapier XXXVI!.—Offences and penalties.—Sections 620, 621.—
Chapter XXXVIII.—Supple/neural Provisions,—A. Extension of Act lo other areas and inclusion or exclusion of areas within or from Kolkata.—Section 622.)

Explanation.—**For the purposes of Lhis sub-section, "recognised wclTnrc institution" or "recognised professional institution or organisation of engineers, architects or technocrats" shall mean a welfare instution or, as the case may be, a professional institution or organisation of engineers, architects or technocrats, rccogniscd by the Central Government or (he State Government.**

COURT BOOK
EMPOWERING LEGAL CLARITY

Prosecutions. **620. Save as otherwise provided in Ihis Act, no court shall proceed lo the trial of any offence punishable by or under this Act cxcept 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.**

Compounding of offerees. **621. (I) 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 Ihis 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 an offence has been compounded, lhe offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

CHAPTER XXXVIII Supplemental Provisions

A. Extension of Act to other areas and inclusion or exclusion of areas within or from '[Kolkata].

Power of State Government la notify **indention to** extend Act to other ureas.

622. **Notwithstanding anything contained in any other law in force for the time being, the Stale Government may, by notification and in such other manner as it may determine, declare its intention lo extend, subjeel lo such modifications and restrictions (if any) as may be specified in the notification, all Dr any of the provisions of this Act to any other area.**

Explanation.—**For the purposes of this seclion, "other area" shall include—**

(a) lhe Municipality of Howrah,

' fnn< .np[1]![1] ^ /In n-i rrr>

COURT BOOK
EMPOWERING LEGAL CLARITY

(Parr IX.—Powers, Procedures, Offences and Penalties.— Chapter XXXVIII. —Siippleinental Provisions. —A. Extension of Act in other areas and inclusion or exclusion of areas within or from Kolkaia—Sections 623, 624.)

(b) any other municipiIjiy us defined in lhe Bengal Municipal Acl, 1932 and in lhe neighbourhood of 'LKolkata], and

Ben. Aci XV of 1932,

(c) any Government Township as defined in [he West Bengal Governmeni Townships (Extension of Civie Amenities) Act, 1975, or any area under a notified area authority or a town committee, by whatever name called, and in the neighbourhood of '[Kolkataj.

Wcj(Bun. AclXLllor 1975.

COURT BOOK
EMPOWERING TRANSPARENCY

Power or Slaic Governmeni io ex lend Acl after considering objec lions.

623, (1) The Commissioners of a municipality or lhe Administrator of a Governmeni Township or the Nolified area authority or (he (own committee of an area specified in lhe noiification under section 622 or any inhabitants or rate-payers Ihercormay, if they object lo such intention of the State Government declare by such notification, submit their objections in writing Lo lhe Slale Governmeni wiihin such period as may be specified in such notification; and lhe Slale Government shall lake such objections into consideration.

(2) When the period as aforesaid has expired and Lhe Slale Government has considered the objeclions (if any) under sub-section (1), the Stale Governmeni may, by notification, extend to such municipality or Government Township or area or losuch part thereof specified in such notification all or any of lhe provisions of lhis Aci, subjcel to modifications and restrictions (if any) specified therein or subject Lo such olher modifications or restrictions (if any) as lhe Slale Government may Ulink fit and specify therein or without any modification or restriction.

624. (I) Upon the extension of all orany oflhe provisions of this Act ID lhe Municipality of Howrah or to any olher municipality or lo any Governmeni Township or lo any area or to any pari Ihereof under scction 623,—

Effect of **extension of** Aei.

(a) lhc Bengal Municipal Acl, 1932, or the West Bengal Governmeni Townships (Extension of Civic Amenities) Act, 1975, or the corresponding provisions of lhat Act, or of any olher enaclmenl in force Tor lhe lime being, as lhe case may be, shall be deemed to be repealed in such municipality or Governmeni Township or area or pari thereof on and from Lhe dale of such extension; and

'See Tool-nole 2 tin pagi; 573, *urttc.*

(b) cxccpt as the Stale 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 Acl 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 orCivic Amenities) Act, 1975, or such enactment, as the ease may be.

Ben, Ad XV oH932, We*1 Ben, Act X Lit of 1975.

(2) For the avoidance of doubts, il is hereby declared that any extension of any provision or 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 seclion 623 shall not have the effect of placing such municipality or Government Township or area or pan thereof under the authority of Lhe Corporation.

625. (1) The Slale Government may, by notification and in such oilier manner as it may determine, declare ils intention "to include any area in ihc neighbourhood of '[Kolkaia] within the limits of '[Kolkaia], to be administered by the Corporation under this Acl, or lo exclude any area from the limits of '[Kolkaia],

Pruvtrr of Slale Government lo include or exelude certain nreLis wilhin "| Kolkata) or from '[Kolkaial.

(2) Any local authority or any inhabitants or rale-payers of such area, affected by such intention of the Slate Government declared by such notification, may, if they object to such intention, submit their objections in writing to the Slale Government within such period as may be specified in such notification; and 1hc State Government shall take such objections into consideration.

(3) When the period as aforesaid has expired and Ihe Slate Government has considered the objections (if any) under sub section (2),- and if Lhe West Bengal Legislative Assembly has, by a resolution adopted in Lhis behalf wilh or wilhoul amendment, approved of such intention, the State Government may, by notification, include such area or any portion thereof within the limits of '[Kolkata], io be administered by the Corporation under this Acl, or exclude such area or any portion thereof from the limits of'[Kolkata], as the case may be, and thereupon Schedule I to this Acl shall be deemed lo be amended accordingly.

626. (1) Upon lhe inclusion of any area in the neighbourhood of '[Kolkata] wilhin lhe limils or '[Kolkaia] under seclion 625,—

(a) Lhe Bengal Municipal Acl, 1932, or lhe West Bengal *Zilla Parishads* **Act, 1963, or the West Bengal** *Panchayal* **Act, 1973, or the West Bengal Government Townships (Extension of Civic Amenities) Act, 1975, as the case may be, iT in forcc in such area, shall be deemed to be repealed therein; and** *[S- r* fbiu-ntnc 2 on p.iL'C 573*, time.*

Wesl Ben, Act XXXV or 1963. Weil Ben. Acl XLt or 1973,

Effeel or inclusion or exclusion.

(Part IX.—Powers Procedures. Offences and Penalties,— Chapter XXXVIII.—Supplemental Provisions.—B. Special provisions as to land and buildings* j)j *Hastings.—Sections 627, 628.)*

(b) exccpl as lhe Stale Government may, by notification, otherwise direci, any rules, regulations or orders made or any directions issued orany powers conferred under the provisions of lhis 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 Bengal Municipal Acl, 1932. or the West Bengal *Zilta Parishads* **Aci, 19C3, or the Wcsl Bengal** *Panchayat* **Act, 1973, or lhe Wcsl Bengal Government Townships (Extension of Civic Amenities) Aci, 1975 as the case may be.**

Ben, Aci XV of (932, Wcsl Ben, Acl XXXV **or]%3.** Wcsl Hen. Act XLI or 1973. West Ben. ActXLll of 1975,

(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 direc Lions issued or any powers conferred under lhis Act shall cease to apply to such area.

(3) The Stale Government may issue such orders as il may consider necessary lo give effect to the inclusion or the exclusion or any area within or from the limits of '[Kolkaia], as the case may be, under seciion 625 or loany mailer incidental or ancillary to such inclusion or exclusion.

B. Special provisions as to land and buildings in Hastings

Control by General Officcr Commanding lhe Presidency District over Government land and buildings.

627. Notwithstanding anything contained in this AcL, all land and buildings belonging to Government in lhat pari of Hastings which is included in '[Kolkaia] shall be subject to the control of Lhe 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 Acl enabling the Corporation or such authority in the interests or Lhe public health lo require Lhe owner or occupier of any land or building in such part of Hastings lo remedy or abale any sanitary dcfccts on or in such land or building.

Sanction of Central Govcrmncnl required for ereclion of **masonry building.**

628. The Corporalion shall not give or be deemed lo have given permission lo erect a masonry building in that pari or Hastings which is included in '[Kolkata] unless and until lhe sanction of Lhe Ceniral Government has been obtained; and such sanclion shall not be applied for unless the plan oflhe building and lhe site-plan oflhe land are approved by the Commissioner of Police,

'See foot-note 2 on page 573. nine.

COURT BOOK
EMPOWERING LEGAL CLARITY

629. (i) If llic erection of any masonry new building in thai pari of Hastings which is included in '[Kolkaia] is, after the commencement of this Act, commcnced, carried on or completed without obtaining the sanction of the Central Government, the Municipal Commissioner shall, ir 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 io be demolished or altered at the expense or the owner.

Demolition or nlicrnlion of buildings cneclrd wilhoul such sanction.

(2) No person shall be entitled to any compensation on account of such demolition or alteration.

COURT BOOK

Such sanction nol lo bar other provisons ot Aci.

630. Notwithstanding anything contained in sections 628 and 629, permission to erect a masonry building in thai pan of Haslings which is inciuded in Calcutta shall nol 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 seclion 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 io take proceedings for lhe demolition of any masonry new building erected in such part of Haslings after lhe commencement of this Acl.

G *Savings*

Savings ai lo ccn ain suits ,in d proceedings.

631. (1) Any suit or legal proceeding instituted or which but for the passing or this Act have been instituted by or against the Corporation or the Commissioner under the '[Kolkata] Municipal Act, 1951, may be continued or instituted by lhe CorporaLion or the Municipal Commissioner, as the case may be, constituted or appointed under this Acl.

Wcsl lien. Acl XXXllt or 1951.

(2) For the purposes ofsuchsuil or legal proceeding and of all matters incidental thereto, the powers and duties of the Corporation and of the Commissioner under the '[Kolkata] Municipal Acl, 1951, shall vest in the Corporation and the Municipal Commissioner constituted and appointed respectively under Lhis Acl, and when any action has been taken under the 'LKolkata] Municipal Act, 1951, such action shall be deemed to have been taken by the corresponding authority under lhal Acl, and lhe corresponding provisions of this Act shall be deemed to have been complied wilh.

'Sec looi-noic *2* on p.igc 573, *umc.*

COURT BOOK
EMPOWERING LEGAL CLARITY

(3) Save as provided in sub-section (2), ihe procedure laid down in ihis Act shall be followed in all proceedings relaiing loa contravention or theprovisons oflhe '{Kolkaia] Municipal Act, 1951.

Wcsl Den. Acl XXXIII of 1951.

[1]631 A. Notwithstanding anylhing contained in this Act or in any olher law for the lime being in force, any person elected to the Corporation as Alderman and holding office as such immediately before the commencement of lhe Wesl Bengal Municipal Corporation Laws (Third Amendment) Ac[, 1994, **shall coniinue io hold such office (ill the expiration of his term of office in accordance wiih lhe provisions of this Aci in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act,** 1994.

Saving as lo holding oT certain office.

Explanation.—**"Alderman" shall mean a person elected lo lhe Corporation as Alderman by the Councillors referred lo in clause (a) of sub-section (1) or seciion 5 in accordance with lhe provisions of this Acl, and the rules made lhereunder, in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Acl, 1994.**

COURT BOOK
UNCOVERING LEGAL CLARITY

D. MisccUan eons and transitory provisions

632. The provisions or this Chapter shall have effect notwithstanding anything io lhc contrary contained elsewhere in Lhis AcL.

Provisions of this Chapter lo override olher provisions.

Gen. Acl f)t of 1921

633, The provisions of Lhe '[Kolkaia] MunicipalAct, 1923,asextended to the Municipality orHowrah under that Aci and in force immediately before the commencement of lhis Act shall continue lo be in force subject lo the modifications specified in Schedule VII until the provisions of this Act are extended to that Municipality under this Acl.

Transitory provisions as lo Howrah Milr-.uip.lhly.

634. ir any dimcully arises in giving cffect to Lhe provisions or this [3][Acl], lhe State Government may, as occasion may require, by order do or cause to be done anylhing which may be necessary Tor removing Lhc difficulty.

Removal or difficulties.

'Sec foot-nole 2 on page 573, *wile.*

[2]Scclion631A was inserted by s4 {16) of lhc West Bengal Municipal Corponiliun Laws (Third Amendment) Acl, 1994 (W«i Den. Acl XXXVI of 1391).

[3]The word wiihin lhe square brackcls were substituted for lhe word "Chapter" by s. 44 ol the Calculla Municipal Corporation (Second A mend men) Acl. 19B4 (**W**csL Ben. Acl Xlll of 1984).

Repealed 635. (1) With effect from llic dale of coming inlo force of lhis Acl,
savings. **ihe'[Kolkaia] Municipal Acl, 1951 shall stand repealed.**

Wcm Ben. Acl XXX1I1

(2) Notwithstanding such repeal,— ,-,r I QS i.

(a) every budget passed, loan taken, assessment or plan of a projected public street or measurement or division made,
standard plan of a *bttstee* **approved, licence or permission or sanction granicd, or debenture or noiice issued under the '[Kolkata] Municipal Aci, 1923 or ihc'[Kolkata] Municipal** Ben. Aci 111 **Act, 1951 and in force at the commencement or this Acl shall** [of]
be deemed to have been passed, taken, made, approved, granted or issued under this Acl, and shall (unless altered, modified, cancellcd. repaid, suspended, surrendered or withdrawn, as the ease may be. under this Act) remain in force for the period (if any) for which il was so passed, laken, made, approved, granted or issued;

(b) all properties, movable or immovable, all rights of whatever kind, used, enjoyed or possessed by, and all interest or whatever kind, owned by, or vesled in, lhe Corporation or '[Kolkata] as constituted under the '[Kolkata] Munieipal Act, 1951, shall, at the commencement of lhis Act, be deemed to be owned by, or vested in, the Corporation as constituted under Lhis Act;

(c) all contracts made or liabilities incurred by lhe Corporation of '[Kolkata] as constituted under lhe '[Kolkata] Municipal Act, 1951 and legally subsisting against the said Corporation shall, at the commencement of this Act, pass Lo the Corporation as constituted under lhis Act:

(d) all officers or oiher employees appointed under the '[Kolkata] Municipal Act, 1951 and continuing in office immediately before the commencement of lhis Act shall be deemed lo have been appointed under lhis Act;

(e) any assessment of lands and buildings made in respecl of any ward or group or wards under lhe '[Kolkaia] Municipal Act, 1951, shall conLinue io remain in force until assessment in respect or lands and buildings of such wart) or group of wards is made under this Acl[2], and ihe pnymeni of the consolidated rate for any such land or building for any quarter prior to Lhe quarler commencing on the 1st day on April, 1984 shall be made in accordancc with lhe provisions of thai Act;]

(0 lhe provision contained in Schedules III, VIII, IX, XI, XII, XIII, XIV, XV, XVI, XVII, XIX, XX, XXI and XXII of lhe '[Kolkata] Municipal Act, 1951 shall continue to remain in force until corresponding provisions are made under this AcL.

'5**A**.[25] foot-iioic 2 on pugc 573, *an fi?.*

^Thc words within *h« square brackcis were in*tried by s.2 of ihc Calculla Municipal Ctirprtrjlion (Amendment) Act, 1984 (Wcsl Ben. Acl Vlll of 1984).

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[25] *Sec* fool-note 2 on page 573. ante.

√ȳScclion 635 A was iruerLed by s.3 or lhc Calculla Municipal Corporalion (Amendment) Act, 19S4 (Wesl Ben. Acl VII! or 1984).

[3] Sec I ion 636 was renumbered as sub-scclion (1) of lhai section and after sub-scclion (1)

(Part IX.—Powers, Procedures, Offences and Penalties.— Cu. -pier XXX Vlll,— Supplemental Provisions.—D. Miscellaneous and transitory provisions.—Seel ions 635A, 636.)

[i]**(h) lhe provisions of sections 216, 222, 229 (read wiih Schedule VIIIA), 437, 442, 451, 460, 469 and 537 of Lhe '[Kolkata] Municipal Act, 1951 shall continue io remain in force and shall be deemed always lo have conlinued to remain in force unlil corresponding provisions are made by lhe Corporation by regulation in conformity wiih the provisions of this Act.**

\Vcs(Ben. Aci XXXI11 of 1951.

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Special provision for municipalities **included** wiihin '[Kolkaia],

[J]**635A. Notwithstanding anything contained in this Acl, any assessmenl of lands and buildings in respeci of ihe whole orany area included within the limits of'IKolkata], which, immediately before Lhe coming inlo forcc of this Acl, was comprised in any municipality, shull continue to remain in force until assessment in respect of such lands and buildings is made under this Act, and (he payment of lhe consolidated rule, or of any amouni entered in lhe preceding assessment list, for any such land or building for any period prior to lhe lsl day of April, 1984 shall be made in accordancc wiih the provisions of the Bengal Municipal Acl, 1932:**

Ben. Aci XV of 1932.

Provided lhat any applicalion Tor review under section 148 or the Bengal Municipal Acl, 1932 oflhe assessment as aforesaid pending before the Commissioners of any such municipality immediately before the coming inlo force of this AcL shall be determined in accordance with such order as lhe SLaLe Governmeni may make from Lime lo time, and the payment of the amouni assessed after such determination shall be made in accordance with Lhe provisions of that Act,

Trnnsilory provision.

636, [J](l) Notwithstanding anything to the contrary contained elsewhere in this Acl, lhe Stale Government may appoint a person to be called the Administrator to exercise all the powers and discharge all the runclions of the municipal authorities mentioned in seciion 3 for the period from lhe dale of coming into force of this AcL till Lhe first meeting of the Corporation aL which a quorum is present.

[s](2) The Administrator appointed under sub-seclion (1) may constitute such number of CommiLLees and for such period as he may deem fit.

[s](3) Each such Committee shall consist of not more Lhun iwenty-five persons, appointed on sucli terms and conditions as Lhc Administrator may deem fit, and shall advise the Administrator in the discharge of his funclions under this Act.

[Wesl Ben. Act

(Schedule !,)

'SCHEDULE 1 -[K0LKATA1 [Set* sections 2(9), 601 and 625.]

Boundaries

A line drawn along ihe ouler edge of Pramnnick Ghat Road, Kashinaih Dutta Road, Kali Charan Ghose Road and Ram-Krishna Ghose Road,

lhencc southward afong Lhe western edge of the Eastern Railways where Lhe boundary line meeLs Lhe New Canal, thence eastward along [he southern bank of [he New Canal and Keslopur canal up lo lhe poinL where it meets [he Eastern Metropolitan Bypass; lhencc southward along the western edge of the Eastern Metropolitan Bypass to the point where it meets the New Canal; thence southward along the eastern bank of New Canal lo the point where it meets lhe outlet for storm water; Lhence soulfi-casL along the western edge or Dr. B. N. Dey Road lo lhe end of Dhapa mauza (J.L. No. 2); lhence southward along lhe eastern boundary of Dhapa mauza (J.L. No. 2); lhencc westward along the southern boundary of Dhapa mauza (J.L. No. 2) up Lo the point where it meets !(ie southern boundary of Chowbhaga mauza (J.L. No. 3), thence further west along the southern boundary or Chowbhaga mauza (J.L. No. 3); thence southward along the eastern boundaries or 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) mauzas to the point where it meets lhe northern boundary of Chak Ghaniagachi mauza {J.L. No. 24); i hence eastward along the northern boundary of Chak Ganiagachi mauza (J.L.

No. 24) Lo the poinl where il mecls ihe north-eastern boundary or Nayabad mauza (J.L. No. 25); lhence south and westward along the eastern and southern boundaries of Nayabad mauza (J.L. No. 25) to the point where il meets the northern boundary of Chak Garia mauza (J.L. No, 26); thence south and wesLward along ihc eastern and southern boundaries or Chak Garia mauza (J.L. No. 26) and southern boundaries of Briji (J.L. No. 27) and Baisnabghala (J.L. No. 28) mauzas to the point where it meets the eastern boundary of Kamdahari mauza (J.L. No. 49);

thence southward along the eastern boundary or Kamdahari mauza (J.L. No. 49); thence westward along lhe 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 lhe eastern bank o f Kaorapu ku r Kh a I;

'Schedule] wis s abstained Tor the original Schedule by s. 19 of the Calculla Municipal Corporation (Amendment) Aci, 1983 (Wesl Ben. Act XXXII of 1983).

"Ύn.. r ..... . , n n ,тт,г,.

LIX of 1980.]

(Schedule I.)

thence across ihe Knorapukur Khal eastward to the point where it meets Dhalipara Road; thcncc 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); llience southward along Dag Nos. 3563, 3564, 3813, 3565, 3566. 3585, 3584 up to Dag No. 3586 of Purba Barisha mauza (J.L. No. 23); thencc westward up lo Dag No. 3612 of Purba Barisha mauza (J.L. No. 23); Ihence again southward along Dug Nos. 3809,3613,3795,3796, 3797,3799.3800.3801 and 3802 of Purba Barisha mauza (J.L. No. 23); Ihence westward along Mahatma Gandhi Road to the point where it meets Diamond Harbour Road; thence across Diamond Harbour Road and westward along lhe southern boundary of , mauza Paschim Barisha (J.L. No. 19) up to Dag No. 2161 of Paschim Barisha mauza (J.L. No. 19); llience 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 or mauza Sarsuna (J.L. No, 17); thcnce 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); ihence northward along Dag Nos. 737, 736, 735, 734 and 973 or mauzu 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 il meets Ho Chi Minh Sarani; Ihence eastward along southern edge of Ho Chi Minh Sarani to the point where it meets Kastodanga Road; ihence further east along Lhe northern edge or 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 of 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); (hence 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, 21: thcncc westward

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along Dag Nos. 32B, 327. 325, 320 and 317 of Bchala mauza (J.L. No. 2); thence northward along Dag Nos. 257, 256, 253, 251.250,
127, 126, J20. t21,66 and 65 of mauza Beliala (J.L. No, 2); to lhe poinl where il meets Budge Budge Road, and lhence westward along Budge Budge Road up to Haichala Hindu Burial Ground; thence northward along the western boundary or ihe Pori Commissioner's land up lo the point where it meets Trenching Ground Road near its junction with Dinu Misiry Lane; thence westward along the northern boundaries afRam Das Hati, Makhalhali andPanchurmauzas to the point where it meets Kankliuli Road; thence southward along the eastern edge of Kankhuli Road to the poinl where it meeis the western boundary ofPanchur mauza; thcnce wesl and northward and again westward along lhe eastern and northern boundaries of Panchur mauza io lhe poinl where it meets Akra Road;

Lhence across Akra Road and northward, eastward, again norLhward, westward, southward and again westward along eastern, northern and western boundaries of Akra mauza io the poinl where it meets the river Hooghly; (hence northward along lhe eastern bank of lhe river Hooghly and eastward along lhe southern bank of the river Hooghly up to the poinl where it meets eastern side road in continuation of Clyde Row; lhence eastward along lhe southern edge or Clyde Row to the poinl where it meets Si. George's Gate Road {Munsi Prcmchand Sarani}; lhence southward along the eastern edge of St. George's Gate Road (Munsi Prcmchand Sarani) to ihe point where it meels Kidderpur Road; lhence northward along lhe western edge of Kidderpur Road and Red Road Lo lhe poinl where it meets Lawrence Road; thence westward along lhe southern edge or Lawrence Road and Eden Garden Road and a line drawn in continuation of Eden Garden Road lo the river Hooghly; lhencc northward along lhe eastern bank of ihc river Hooghly to lhe wesicm terminus of Pramanick Ghat Road.

'SCHEDULE II.

WARDS OF THE CORPORATION [See seclion 5(2)./

Ward No. 1

On the north—Pramanick Ghat Road, Cossipore Road and Kashinath Dutta Road.
On lhe south—Khagendra ChatLerjee Road and Ruslomjee Parsee Road.
On lhe east—Barrackpore Trunk Road.
On the wesl—Cossipore Road, Ruslomjee Parsee Road and Lhe river Hooghly.

'Schedule II was substituted far (he original Schcduta by s. 20of (hcCulcuna Municipal 1O?1

RU'TTER YYYFL OF IOR^

(Schedule U.)

Ward No. 2

Llic north— Kalicharan Ghose Road and Ramkrishna Ghose Road. Lhe soulh—Dum Dum Road.

On Lhc east— Eastern Railway.

On Lhe west— Barrackpurc Trunk Road.

On

Ward No. 3

On the north—Dum Dum Road, Umukania Sen Lane, Paikpara Raja Manindra Road and Kshudiram Bosc Sarani.

On Lhc south—Jiban Krishna Ghose Road,

On Ihe east—Eastern Railway.

On the wesL—Analh Nath Deb Lane. Paikpara Row, Beerpara Lane and Indra Biswas Road.

Ward No. 4

On lhe north—Dum Dum Road.

On the south—Paikpara Raja Manindra Road and Umakama Sen Lane. On the cast—Paikpara Row and Beerpara Lane. .

On the wesl—Barrackpore Trunk Road.

Ward No. 5

-Paikpara

-Kshudiram

Anath Naih

Barrackpore

On Lhe norlh-Road. On the south-Canal. On Lhc cast— Railway. On the west—

Raja Manindra Road and Jiban Krishna Ghose Bose Sarani. the New Canal and the Circular Deb Lane, Indra Biswas Road and Eastern Trunk Road and Jiban Krishna Ghose Road. Ward No. 6

the north— RusLomjee Parsee Road and Khagendra ChaLlerjee Road, the Circular Canal.

south—The RusLomjee Parscc Road, Cossipore Road and Barrackpore Trunk Road,

lhe east— The river Hooghly.

Lhe wesl—

On

On

On

Ward No. 7

On Lhc north—The Circular Canal.

On the south-—BagbazarSireeL, BoseparaLanc, NivcdiiaLane, Ramkanta Bosc Street and Sarkarbari Lane.

On Lhe east—Bidhan Sarani, Sachin Mi Ira Lane and Girish Avenue,

On llip u'pcl—rn'*»r HonnhTv

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(Schedule 11.)

Ward No. 8

On the north—Sarkarbari Lane, Nivedila Lane, Boscpara Lane and Ramkatiia Bose Sireel.
On lhe south—Bhupendra Bosc Avenue, Sham bazar Street, Raja Naba Kissen Street, Durga Charan Banerjee Street and Kumnnuli Street.
On the east—Sachin Milra Lane and Gopcswar Paul Street.
On llie west—Girish Avenue, Rabin dm Sarani ;md the river Hooghly.

Ward No. 9

On the north—Kumarluli Street, Durga Charan Banerjee Street, Raja Naba Kissen Street and Sham bazar Street.
On the south—Sovabazar Street and Sri Aurobindo Sarani.
On the east—Jalindra Mohan Avenue and Rabindra Sarani,
On the west—-Gopcswar Paul Street and the river Hooghly.

Ward No. 10

On the north—ShumbazarSreel, Bhupendra Bosc Avenue and Baghbazar Street.
On the south—Ramkanla Bose Street and Sri Aurobindo Sarani.
On the east—Bidhan Sarani.
On the west—Jalindra Mohan Avenue and Sachin Mitra Lane.

Ward No. 11

On the north—Junnclion of Bidhan Srarani and Acharyya Prafulla Chandra Road.
On lhe south—Raja Rajkrishna Street.
On lhe easl—Acharyya Prafulla Chandra Road.
On the wesl—Bidhan Sarani.

Ward No. *12*

On the north—The Circular Canal.
On Lhe south—Sri Aurobindo Sarani.
On lhe easl—The Circular Canal.

On Lhe wesL—Acharyya Prafulla Chandra Road and Bidhan Sarani.

Ward No. 13 On lhe north—The

New Canal.
On lhe south—Bidhan Nagar Road and Harish Neogy Road.
On lhe easl—Eastern Railway and Harish Neogy Road.
On —.Thp firfMlir

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(Schedule 11.)

Ward No. 14

On the north—Harish Neogy Road, Bidhan Nugar Road and Biplabi Barin Ghose Sarani.
On the soulh—Bagmari Road and Satin Sen Sarani.
On the easL—Ramkanla Sen Lane. Eastern Railway and Bagmari Road. On the wesl—The Circular Canal and Harish Neogy Road.

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Ward No. 15

On lhe north—Sri Aurobindo Sarani.
On lhe south—Vivekananda Road.
On lhe east—The Circular Canal.
On the wesl—Acharyya PraftiUa Chandra Road.

Ward No. 16

On the north—Raja Rajkrishna Street.
On lhe south—Abhedananda Road.
On lhe east—Acharyya Prafulla Chandra Road.
On lhe wesl—Bidhan Sarani.

Ward No. 17

On the north—Sri Aurobindo Sarani.
On lhe soulh—Beadon Street.
On lhe east—Bidhan Sarani.
On lhe wesl—Jatindra Mohan Avenue,

Ward No. 18

On lhe north—Sri Aurobindo Sarani.
On lhe south—Beadon Slreel.
On (he cast—Jatindra Mohan Avenue.
On the west—Rabindra Sarani.

Ward No. 19

On lhe north—Sovabazar Slreel.
On the south—Buiio Kristo paul Avenue, Ahiritola Slreel and ils continuation up to the river Hooghly.
On lhe east—Rabindra Sarani.
On lhe wesl—The river Hnoehlv.

(Schedule fl.)

Ward No. 20

On ihc north—Butto Krislo Paul Avenue, Ahiritola SlreeL and its continuation up io lhe river Hooghly.
On the south—Nimlala Glial Slreel and Port Trust Road leading to Nimiala Ghat.
On the cast—Rabindra Srarani
On Lhe west—The river Hooghly.

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Ward No. 21

On lhe north—-Port Trust Road leading lo Nimlala Ghat and Nimlala Ghat Street.
On the soulh—Darpanarayan Tagore Street, Kali Krishna Tagore Slreel and lhe Port Trust Road leading to Lhe river Hooghly.
On the east—Baishnab Sell Street, Prasanna Kumar Tagore Street, Jadoolal Mullick Road and Maharshi Debendra Road.
On the wesl—The river Hooghly.

Ward No. 22

On Ihc north—Port Commissioners' Road leading Lo lhe river Hooghly, Kali Krishna Tagore Street and Darpanaryan Tagore Slreel.
On lhe soulh—Port Commissioners' Road leading from the river Hooghly up to Mahattna Gandhi Road, Mahaima Gandhi Road and Cotton Street,
On lhe east—Jadoolal Mullick Road, Jogendra Kaviraj Row, Kalakar Slreel, Jagamohan Mullick Lane and Nelaji Subhas Road.
On the wesl—The river Hooghly and Maharshi Debendra Road.

Ward No. 23

On lhe north—Kali Krishna Tagore Street.
On the south—Banala Street.
On the casl—Rabindra Sarani.
On the wesl—Jagamohan Mullick Lane, Kalakar Slreet and Jogendra Kaviraj Row,

Ward No. 24

On the north—Nimlala Ghat Street.
On the soulh—Kali Krishna Tagore Slreet.
On Lhe east—Rabindra Sarani.
On the wesl—Baishnab Sett Street, Prasanna Kumar Tagore Slreef and

(Schedule II.)

Ward No. 25

On lhe norlli—Nanda Mullick Lane and Vivekananda Rond.
On lhe south—Madan Chaiterjec Lane and Mukiaram Babu Street. On lhe east—Bidhan Sarani and Chitlaranjan Avenue.
On lhe wcsl—-Rabindra Sarani and Chitlaranjan Avenue.

Ward No. 26 On the

north—Beadon Street.
On the soulh—Vivekananda Road and Nanda Muilick Lane.
On the east—Bidhan Sarani.
On the wesl—Rabindra Sarani and Chitlaranjan Avenue.

Ward No. 27 On the

north—Abhedananda Road
On lhe soulh—-Kailash Bose Street and Mahcndra Sreemani Street. On the east—Acharyya Prafulla Chandra Road.
On the west—Bidhan Sarani.

Ward No. 28

On lhe north—Vivekananda Road.
On lhe south—Dr. M. N. Chalterjee Sarani.
On lhe east—The Circular Canal.
On lhe wesl—Acharyya Prafulla Chandra Road.

Ward No. 29

On the north—Satin Sen Sarani, Malilal Sen Lane and Dhyan Debi Khanna Road.
On the soulh—Narikeldanga North Road, Sastitala Road and Eastern Railway.
On the east—Sastitala Road, Malilal Sen Lane, Narikeldanga North Road and Eastern Railway.
On Lhe west—The Circular Canal.

Ward No. 30

On the north—Salin Sen Sarani, Kankurgachi Road, Sasiitala Road and Narikeldanga North Road.
On lhe south—Dhyan Debi Khanna Road and Malilal Sen Lane. On lhe easL—C.I.T. Road and Kankurgachi Road.
On lhe wesl—Sastitala Road, Malilal Sen Lane and Narikeldanga North Road.

Ward No. 31

On the north—Satin Sen Sarani and Manicktala Main Road.
On Lhe soulh—Narikeldanga Main Road and Kankurgachi Road.
On lhe east—-Eastern Metropolitan Bypass.
On Lhe west—Kankurgachi road and C.I.T. Road.

Ward No. 32

On Lhe norlh—Crossing of Easienn Railway and the New Canal, Bidhan Nagar Road and Bagman Road.
On the south—Satin Sen Sarani. Biplabi Barin Ghose Sarani and Manicktala Main Road.
On Lhe 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 Lhe east—Eastern Metropolitan Bypass.
On the west—Gagan Sarkar Road and Hem Chandra Naskar Road.

Ward No. 34

On the north—Dr. Panchanan Mitra Land and Abinash Sasmal Lane.
Oil the south—The Beliaghaia Canal.
On the east—Hem Chandra Naskar Road and Gagan Sarkar Road.
On the wesl—Kankurgachi Chord and Raja Rajendralal Milra Road.

Ward No. 35

On the north—Eastern Railway, Dhyan Debi Khanna Road and Hem Chandra Naskar Road.
On the soulh—The Circular Canal and Beliaghata Canal, Dr. Panchanan Mitra Lane and Abinash Sasmal Lane.
On the easl—Hem Chandra Naskar Road, Raja Rajendra Lai Milra Road and Kankurgachi Chord.
On the west—EasLeni Railway.

Ward No. 36

On the north—Dr. M. N. Challeijee Sarani.
On the soulh—Beliaghata Road.
On the east—The Circular Canal.
On lhe west—Acharyya Jagadish Bosc Road and Acharyya PraFulla

(Schedule II.)

Ward No. 37

On the north—Kcshab Chandra Sen Street,
On the soulh—Suryya Sen SirccL.
On lhe easl—-Acharyya Prafulla Chandra Road.
On lhe wesl—Raja Rammohan Sarani.

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Ward No. 38

On the north—Kailash Bose Street and Mahendra Sreemani Street. On the soulh—Keshab Chandra Sen Street.
On lhe easl—Acharyya Prafulla Chandra Road.
On the wcsl—Bidhan Sarani.

Ward No. 39

On lhe north—Muklaram Babu Sireel.
On the soulh—Mahaima Gandhi Road.
On the cast—Bidhan Sarani and College Street.
On the wesl—Chitlaranjan Avenue.

Ward No. 40

On the north—Keshab Chandra Sen Sircel.
On the soulh—Siddhcswar Chandra Lane, Madhu Gupta Lane and Surendralal Pync Lane,
On the east—Raja Rammohan Sarani.
On the west—College Street.

Ward No. 41

On lhe north—Madan Chanerjee Lane.
On lhe south—Syed Salley Lane and Balmukunda Mackkar Road. On lhe east—Chillaranjan Avenue.
On lhe wesL—Rabindra Sarani.

Ward No. 42

On lhe north—Mahaima Gandhi Road, Coiion Street and Bartala Sireel. On the south—Biplabi Rash Behari Bose Road and Raja Woodmunc Road.
On lhe easl—Rabindra Sarani.
On lhe west—Strand Road and C.I.T. Sch. L, Kalakar Street and Nelaji Subhas Road.

(Schedule II.)

Ward No. 43

On lhe norlh—Balmukunda Mackkar Road and Syed Salley Lane.

On lhe south—Tarachand Dutta Sireel and C.I.T. Sch. LXVI.

On llic east—Chillaranjan Avenue, Nawab Badruddin Sireel, Kanai Sil Sireel, Phears Lane and Srinalh Babu Lane.

On lhe wesl—Rabindra Sarani.

COURT BOOK
EMPOWERING LEGAL CLARITY

Ward No. 44

On lhe north—C.I.T. Sch. LXVI, Tarachand Duiia Street and Mahaima Gandhi Road.

On lhc soulh—Bipin Behari Ganguly Street and Dr. Lalit Banerjee Sarani.

On lhe easl—College Sircel and Cillaranjan Avenue.

On lhe west—Chillaranjan Avenue, Nawab Badruddin Street, Kanai Sil Sireel, Phears Lane, Srinalh Babu Lane and.Rabindra Sarani.

Ward No. 45

On lhe norlh—Port Commissioners' Road leading from lhe river Hooghly up lo Mahaima Gandhi Road, Raja Woodmuni Sireel and Biplabi Rash Behari Bosc Roud.

On the south—Lalbazar Street, Lawrence Road, Eden Garden Road and a line drawn in continuation of Eden Garden Road to Lhe river Hooghly,

On Lhc easl—Strand Road, Rabindra Sarani, Dalltausie Square Easl, Old Court House Street, Governmeni Place East and C.I.T. Sch. L.

On the wesL—River Hooghly.

Ward No, 46

On lhe north—Lalbazar Street, Bipin Behari Ganguly Sireel, Lenin Sarani and Ganesh Chandra Avenue,

On the soulh—Nellie Scngupla Sarani and Ouiram Road.

On the east—-Jawaharlal Nehru Road, Mirza Ghalib Street, Rani Rashmoni Road, Chandney Chowk Street, Khairu Placc and Bow Strcci.

On lhe west—Red Road, Governmeni Place Easl, Daihousic Square Easl and Old Court House Street.

(Schedule 11.)

Ward No. 47

On the north—Bcpin Behari Ganguly Slreel and Dr. Lalii Banerjee Sarani.
On lhe soulh—Lenin Sarani and Gancsh Chandra Avenue.
On lhe east—Nirmal Chunder Slreel and College Street.
On the wesl—Chandney Chowk Street, Khaini Place, Bow Street and Chittaranjan Avenue.

COURT BOOK
EMPOWERING LEGAL CLARITY

Ward No. 48

On the north—Surendralal Pyne Lane, Madhu Gupta Lane and Siddheswar Chandra Lane.
On ihc soulh—-Hidarani Banerjee Lane.
On the east—Sashi Bhusan Dey Slreel and Raja Rammohan Sarani. On the west—-Nirmal Chunder Street and College Street.

Ward No. 49

On the north—Surya Sen Street.
On the soulh—Bepin Behari Ganguly Slreel.
On the easl—Acharyya Prafulla Chandra Road.
On lhe wcsl—Raja Rammohan Sarani.

Ward No. 50

On lhe north—Bepin Behari Ganguly Street.
On lhe south—Surendra Nalh Banerjee Road.
On the easL—Acharyya Jagadish Bose Road.
On the wesl—Puran Chand Nahar Avenue, Gokul Bora! Slreet and Sushi Bhusan Dey Street.

Ward No. 51

On the north—Hidaram Banerjee Lane.
On the soulh—Surendra Nalh Banerjee Road.
On the east—Puran Chaod Nahar Avenue, Gokul Boral Slreet and Sashi Bhusan Dey Slreel.
On the west—Nirmal Chunder Slreel and Rail Ahmed Kidwai Road.

(Schedule II.)

Ward No. 52

On lhe north—Lenin Sarani.
On lhe south—Marquis Slreel.
On Lhe east—Rafi Ahmed Kidwai Road.
On lhe wcsl—Mir/.a Ghalifa Street and Rani Rashmoni Road.

COURT BOOK
EMPOWERING LEGAL CLARITY

Ward No. 53

On ihc north—Surendra Nath Banerjee Road.
On the south—Abdul Halim Lane. Tultala Lane, Dedar Baksh Lane and Haji Mohammed Mohosin Square.
On the east—Acharyya Jagadish Bone Road,
On lhe wcsl—Rafi Ahmed Kidwai Road and Tallala Lane.

Ward No. 54

On Lhe north-—C.I.T. Road and Dr. Surcsh Sarkar Road.
On ihc soulh—Mufidul Islam Lane, Anjuman Road and Harekrishna Konur Road.
On the east—Dr. Suresh Sarkar Road and Hatibagan Road (North).
On the wesl—-Harekrishna Konar Road and Acharyya Jagadish Bose Road.

Ward No. 55

On the north—Beliaghata Road and Guripara Road.
On the soulh—Christopher Road, Convent Lane and Dr. Surcsh Sarkar Road.
On lhe east—Convent Lane, Palmer Bazar Road and Eastern Railway.
On lhe wcsl—Acharyya Jagadish bose Road and Dr. Surcsh Sarkar Road.

Ward No. 56

On the norlh—Debendra Chandra Dey Road and Convent Lane.
On the soulh—Christopher Road.
On the casi—Kankurgachi Chord.
On the west—Eastern Railway, Convent Lane and Palmcrbazar Road.

(Schedule II.)

Ward No. 57

On the north—Beliaghata Road, Circular Canal and Beliaghaia Canal. On the soulh—Guripura Road, Debendra Chandra Dey Road and Sewage Outlet where it meets New Canal.

On Lhe ease—Western side or New Canal.

On Lhc **wcsl—Beliaghala Roud and Palmerbazar Road.**

COURT BOOK
EMPOWERING LEGAL CLARITY

Ward No. 58

Lhe north— Debendra Chandra Dcy Roud and Sewage Outlet where it meets New Canal.

the soulh— On Christopher Road, Maihcswanola Road, the wcsLern boundary of the former Boinchilola Union Board and SLorm Waler Oullel up to the point where il meeis New Canal,

the easl— On Topsia Road North and western boundary of New Canal. Lhe west—Eastern Railway and the western boundary of lhc former Boinehilola Union Board.

Ward No. 59

On

On

the north—- Christopher Road.

the south— Topsia Road South, Tiljala Road and Gorachand Roud, the easl—Gobinda Chandra Khuiik Roud and Topsia Road South, the wcsl—Topsiu Road Soulh, Tiljala Road and Dr. Sundari Mohan Avenue.

Ward No. 60

On

On

On

On

lhe norih— Herekrishna Konar Road, Anjuman Roud, Mufidul Islam Lane and Dr. Suresh Sarkar Road.

the soulh— Suhrawardy Avenue. Beniupukur Lane and Park Street, the easl—Dr. Sundari Mohan Avenue and Harekrishna Konar Road, lhe west—Jannagar Road, Crematorium Street, Harekrishna Konar Road, Acharyya Jagadish Bose Road and Hatibagan Road (North).

Ward No. 61

On

lhe north— Muzaffar Ahmed Street and Beniapukur Lane, lhe south—Park Street. .

the cast— On Jannagar Road, Crematorium Sireel, Harekrishna Konar Road and Acharyya Jagadish Bose Road.

On

lhe wesl— On Rafi Ahmed Kidwai Road.

On

On

On

On

[Wesl Ben. Acl

(Schedule II.)

Ward No. 62

On ihe north—Marquis SLreci, Haji Mohammed Moliosin Square, Dedar Baksh Lane, Taltala Lane and Abdul Halim Lane.
On ihe soulh—Muzaffar Ahmed Slreel and Collin Lane.
On the easl—Acharyya Jagadish Bo.se Road and Tallala Lane.
On the wesl—Rafi Ahmed Kidwai Road, Mir/.a Ghalib Slreel and Collin Slreel.

COURT BOOK
EMPOWERING LEGAL CLARITY

Ward No. 63

On the north—Oulram Road, Nellie Sengupia Sarani, Collin Lane and Park Slreet.
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 Slreet.
On the wesl—Kidderporc Road, Casurina Avenue, Chowringhee Road and Jawaharlal Nehru Road.

Ward No. *64 .*

On the north—Park Slreet, Suhrawardy Avenue and G orach and Road.
On the soulh—Circus Avenue, Bcckbagan Row, Shamsul Huda Road, Dr. Biresh Guha Street and Park Slreel.
On the easl—Bright Street and Tiljala Road.
On Lhe west—Acharyya Jagadish Bose Road and Dr. Sundari Mohan Avenue.

Ward No. 65

On the north—Shamsul Huda Road, Park Slreel and Tiljala Road.
On Lhe soulh—Bondcl Road, Picnic Garden Road and Tiljala Masjid Bari Lane.
On the easl—Tiljala Road, Kusiia Road and Topsia Road Soulh.
On the wcsl—Ashutosh Chowdhury Avenue, Syed Amir Ali Avenue and Bright Street.

. Ward No. 66

On the north—Tiljala Masjid Bari Lane, Topsia Road Soulh, Topsia Road North, Maiheswartola Road and lhe southern boundary of former Boinchitala Union Board,
On the south—Picnie Garden Road.
On lhe east—Western boundary of Paschim Chowbhagha and former Boinchiiala Union Board.
On lhe wesl—Tiljala Road, Kusiia Road, Gobinda Chandra Khalik Road, Topsia Road and Topsia Road South.

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(Schedule 11.)

Ward No. 67

On Lhc north-—Picnic Garden Road.
On lhe south—Banku Behari Chatlerjee Road and Rajkrishna Chaitcrjee Road.
On Lhe easl—Rajkrishna Cliallerjec Road and a line drawn on Lhc **easlern edge of Dag Nos. 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 Kasha mauza and 113, 115, 1 14, 61, 60, 59 of Laskarhat mauza.**
On lhe west—Eastern Railway.

Ward No. 68

On ihe north—Bondel Road.
On the south—Ballygunge SlaLion Road, Fern Road and KankuiiaRoad.
On the easl—Eastern Railway and Kankulia Road.
On lhe wesl—Gariahat Road and Ashu Losh Chowdhury Avenue.

Ward No. 69

On [he north—Acharyya Jagadish Bose Road, Circus Avenue and Beckbagan Row.
On lhe south—Hazra Road.
On the cast-—Syed Amir Ali Avenue and Ashuiosh Chowdhury Avenue.
On the wesl—Sarat Bose Road.

Ward No. 70

On the north—Acharyya Jagadish Bose Road.
On the soulh—Chakrabere Road Soulh and Paddapukur Road.
On the cast—Saral Bosc Road, Paddapukur Road and ChakTabere Road Soulh.
On lhe wesl—Ashuiosh Mukherjee Road and Chowringhee Road.

Ward No. 71

On the north—Acharyya Jagadish Bose Road."
On [he soulh-—Suhasini Canguli Sarani, Gobinda Bosc Lane, Bijoy Bose Road and Tolly's NullaM. *
On lhe easl—Ashutosh Mukherjee Road, Debendralal Khan Road and ■ Chowringhee Road. "
On the wesl—Tolly's Nullah and the road connccling Belevcdere Road and Acharyya **Jagadish Bose Road, Madan Pal Lane and Harish** MnVhpripp Rnnri

(Schedule II.)

Ward No. 72

On the north—Chakrabere Road Soulh and Paddapukar Road.
On lhe soulh—Hazra Road.
On [lie easl—Sara[Bose Road.
On [he wesl—Shyamaprasad Mukherjee Road. Ashutosh Mukherjec Road, Chakrabere Road Soulh and Paddapukur Road.

COURT BOOK
EMPOWERING LEGAL CLARITY

Ward No. 73

On the nonh—Suhasini Ganguli Sarani, Gobinda Bose Lane and Bijoy Bose Road.
On the soulh—Hazra Road and Tolly's Nullah.
On [he east—Shyamaprasad Mukherjec Road, Ashuiosh MukherjeeRoad, Harish Mukherjee Road and Madan Pal Lane.
On lhe west—Tolly's Nullah and Debendralal Khan Road.

Ward No, 74

On ihc north—Tolly's Nullah.
On (he south—Judges' Court Road, Chcila Hal Road and Eastern Railway.
On lhe east-—Tolly's Nullah, Gopal Nagar Road and Alipore Road.
On Ihe west—Diamond Harhour Road and Kidderpore Bridge Approach.

Ward No. 75

On the north—Slrand Road and a line drawn in continuation of the soulh side oF Strand Road to [he river Hooghly and Clyde Row,
On the soulh—Kabuirlha Sarani.
On the east—Canal Road, St. George's Gale Road. Kidderpore Bridge Approach and Karl Marx Sarani.
On lhe wcsl—Garden Reach Road and [he river Hooghly.

Ward No. 76

On the north—Garden Reach Road and Kabuirlha Sarani.
On Lhe south—Karl Marx Sarani and Sastitala Road.
On the cast—Karl Marx Sarani.
On the west—Satya Doaor Road and SasLuala Road.

LIX or iyso.]

fSchedule II.)

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Ward No. 77

On the north—Karl Marx Sarani.
On the south—Kavi Mohammad Iqbnl Road.
On the east—Diamond Harbour Road.
On the west—Bhukailasli Road.

COURT BOOK
EMPOWERING LEGAL CLARITY

Ward No. 78

On lite north—Kavi Mohammod Iqbal Road.
On lhe south—Braunfeld Row and Hossain Shall Road.
On lhe easl—Diamond Harbour Road.
On ihc wcsl—Bhuknilash Road.

Ward No. 79

On lhe north—Karl Marx Sarani. Hossain Shah Road and Braunfeld Row.
On lhe south—Goragacha Road.
On lhe cast—Bhukailash Road and Diamond Harbour Road.
On the wesl—Hide Road.

Ward No. 80

On lhe north—The river Hooghly, Goragacha Road and former Garden Reach Municipality.
On lhe south—South Suburban Municipality, former Garden Reach Municipality and Karl Marx Sarani, Salya Doctor Road and Garden Reach Road.
On the east—Tolly's Nullah, Garden Rcach **Road, Saslilala Road, Salya Doctor Road, Hide Road and Diamond Harbour Road.**
On lhe west—-Former Garden Reach Municipality.

Ward No. 81

On the north—Eastern Railway.
On the soulh—Circular Road (Tollygunge), S. N. Roy Road and a line drawn on lite southern edge of New Alipore Plot Nos. 23A/47B, 23A/48C, 23A/4BD, 23A/49C, 23A/51B, 23A/52, 23A/52A, 23A/ 53A, 23A/54, 23A/54A, 23A755, 23A/55A, 23A/60F, 23A/60E, 23A/60D, 23A/60C, 23A/60B, 23AV60A, 23 A/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, 4R4, 485. 486, 487, 488, 489 or Block K.
On lhe east—Deshpran Sasmal Road.
On T^nmf\nrl l-lipkririp O m rl

[West Ben, Acl

{Schedule IL)

Ward No. 82

On the north—Chetla Hal Road and Judges' Court Road.
On the soulh—Eastern Railway.
On lhe easl—Tolly's Nullah,
On Lhe west—Aliporc Road and Gopal Nagar Road.

COURT BOOK
EMPOWERING LEGAL CLARITY

Ward No. 83

On lhe north—Hazra Road.
On ihe soulh—Rash Behari Avenue.
On lhe easl—Shyamaprasad Mukherjee Road.
On the west—Tolly's Nullah.

Ward No. 84

Oil lhe north—Hazra Road.
On lhe south—Rash Behari Avenue.
On lhe east—Sarai Bose Road. -
On lhe wesl—Shyamaprasad Mukherjee Road.

Ward No. 85

On lhe north—Hazra Road and Dover Lane.
On lhe soulh—Rash behari Avenue.
On the easl—Garcha 1st Lane, Dover Terrace connecting Garcha 1st Lane, Dover Lane and Ramani Chatleijee Road.
On the west—Sarat Bose Road.

Ward No. 86

On lhe north—Hazra Road and Rashbehari Avenue.
On lhe south—Dover Lane and Dr. Meghnad Saba Sarani,
On lhe east—Gariahal Road.
On the wesl—Lake View Road, Ramani Chatlerjee Road, Dover Terrace connecting Dover Lane and Garcha lsl Lane.

Ward No. 87

On lhe north—Rashbehari Avenue.
On lhe soulh—Eastern Railway.
On lhe east—Sarai Bose Road and Baroj Road.
On the west—Shyamaprasad Mukheijee Road.

(Schedule II.)

■ **Ward No. 88**

On lhe north—Rashbehari Avenue,
On Lhc soulh—Eastern Railway.
On the east—Shyamaprasad Mukherjee Roud,
On the west—Tolly's Nullah.

Ward No. 89

On the north—Eastern Railway and Tollygunge Circular Road, On ihe south—Cham Chandra Place East, Prince Anwar Shah Road and a link road between Deshpran Sashmal Road and Tolly's Nullah (on the adjiiccni north of Toilygunge Racc Course).
On the cast—Dr, Dauder Rahman Road and Charu Chandra Placc 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 Saha Sarani, Kankulia Road, Fern Road and Ballygunge Station Road.
On Lhe soulh—Eastern Railway.
On Lhe easl—Eastern Railway and Lake View Road.
On the wesl—Kankulia Road, Baroj Road and Sarai Bose Road.

Ward No. 91

On the north—Rajkrishna Chaiterjee Road and Banku Behari Chauerjee Road,
On ihe south—Sarat Ghosh Garden Road and Rajdanga Road,
Or. **the cast—Kasba Road and Rajdanga Road.**
On the west—Eastern Railway.

Ward No. 92

On Lhe north—Sarat Ghosh Garden Road and Eastern Railway,
On Lhe soulh—Jadavpur Station Road. GarfaRoad and northern boundary of former Hallu Union Board.
On the east-—Kalipada Roy Lane, Jlteel Road, western boundary or former Hallu Union Board and Eastern Railway. *
On the wesr—Rain Snhodh Chandra Mnllick Road and Gariahal Road.

[Wesl Ben, Act

■ *(Schedule 11.)*

Ward No. 93

On [he north—Eastern Railway and Charu Chandra Placc Easl.
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 Sliah Road. Dr. Daudar Rahman Road and Charu Chandra Place Easl.

COURT BOOK
EMPOWERING LEGAL CLARITY

Ward No. *94*

On the north—Prince Anwar Shah Road.
On the soulh—Nelaji Subhas Chandra Bose Road and Graham Road.
On the east—Prince Golam Mohammad Shah Road.
On lhe wesl—Deshpran Sasmal Road and Graham Road.

Ward No. 95

On the north—Prince Golam Hossain Shah Road and Graham Road.
On ihc soulh—Raipur Road.
On the east—Jadavpur Central Road.
On Lhe wesl—Prince Golam Mohammad Shah Road and Netaji Subhas Chandra Bose Road.

Ward No. *96*

On the north—Jadavpur Central Read.
On the south—Raipur Road.
On the east—Raja Subodh Chandra Mullick Road.
On the wesl—Jadavpur Central Road.

Ward No. 97

On Ilie north—-A link road belween Deshpran Sasmal Road and Tolly's Nullah and Graham Road.
On the soulh—Graham Road, Nagendra Narayan Dutia Road and Tolly's Nullah.
On the cast—Deshpran Sasmal 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 Nelaji 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.

(Schedule II.) .

. **Ward No. 99**

On the north—Raipur Road.

On the soulh—Raipur Road and Raipur Mondalpara Road.

On the cast—Raja Subodh Chandra Mullick Road.

On Lhc west—Raipur Road.

COURT BOOK
EMPOWERING LEGAL CLARITY

Ward No. 100

On lhc north—Raipur Mondalpara Road and Klianpur Road.

On the south—Tolly's Nullah.

On the easl—Raja Subodh Chandra Mullick Road.

On lhe wesl-—Nakiala Road, Khanpur Road and a road from Nctaji Subhas Chandra Bose Road up lo Tolly's Nullah.

Ward No. 101

On the north—Baghajalin Station Road.

On the soulh—Link Road connecting Raja Subodh Mullick Road and Eastern Metropolitan Bypass.

On the east—Eastern Metropolitan Bypass and lhe Eastern Railway. On lhe wesl—Raja Subodh Mullick Road.

Ward No. 102

On ihe north—Jadavpur Station Road.

On the soulh—Baghajatin Sialion Road.

On the easl—The Eastern Railway.

On Lhe west—Raja Subodh Mullick Road.

Ward No. 103

On Lhe north—A straight line drawn in continuation of Sanloshpur Avenue on lhe wesl up Lo llie Eastern Railway, Sanloshpur Avenue, Kalikumar Mazumder Road and New Sanloshpur Main Road.

On the south—Crossing or the Eastern Railway and Panchannagram Canal.

On the easl—Panchannagram Canal.

On lhe ð Thp Fnslprn Rnilwnv nnrl K"nJilrrnnflr M^7iimHpr RmH

(Schedule II.)

Ward No. 104

On Lhe north—Viveknagar Ward No. 3 Road, southern bank of southern Jhcel, northern bank of nonheni Jheel, Princc Anwar Shah Road Link Canal and Kalikapur Road.

On the south—A straight line drawn in continuation of Sanioshpur Avenue on the west up to the Eastern Railway, Sanioshpur 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) lo lhe southern bank of southern Jhcel.

Ward No. 105

On the north—Sarat Ghosh Garden Road and Hallu Main Road.

On lhe south—Princc Anwar Shah Road Link Canal and northern bank of northern Jheel.

On the easl—Garfa Main Road and Hallu Main Road.

On lhe west—K. P. Roy Lane, Sahidnagar Ward No. 6th Lane and Sahidnagar Ward No. 6th Road.

Ward No. 106

On lhe north—Kayasthnpara Main Road, P. Mazumder Road and the Canal.

On Ihc south—Prince Anwar Shah Road Link Canal and Kalikapur Road.

On lhe easl—Panchannagram Canal and Eastern Metropolitan Bypass.

On the wesl—Garfa Main Road.

Ward No. 107

On lhe north—Northern boundary of Nonadanga mauza and Rajdanga Road.

On ihc soulh—Haltu Main Road. Kayaslhapara Main Road, P. Mazumder Road and lhe Canal.

On Lhe easL—Eastern Metropolitan Bypass.

On lhe wesL—Kasba Road, a Pucca Road (Dag No. 1446 of Kasba mauza) and a line drawn on lhe eastern edge of Dag Nos. 2139, 2136, 2135, 2113, 2112, 2108,2107,2095,2094,1968,1967, 1956, . 1955, 1954, 1952,1951,1948, 1917,2164,1914,1695,1694,1692, 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, 1*1

(Schedule II.)

Ward No. 10S

On [he norih—Northern boundary of Nonadanga mauza, Storm Water Outlet and northern boundary Dr Dhapa mauza.

On the soulh—-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 lhe west—Eastern Metropolitan Bypass and western boundary of Paschim Chowbhaga mauza.

COURT BOOK
EMPOWERING LEGAL CLARITY

Ward No. 109

On lhe north—Northern boundaries of Kalikapur and Chakganiagachhi mauzas.

On the south—Southern boundaries of Kalikapur, Nayabad and Chakgaria mauzas.

"

On the easl—Eastern Metropolitan Bypass, eastern boundaries of Kalikapur, Barakhola. Chakganiagachhi, Nayabad and Chakgaria mauzas.

On the west—Panchannagram Canal and lhe Eastern Railway.

Ward No. 110

On the north—Link Road connecting Raja Subodh Mullick Road and Easicm Metropolitan Bypass.

On lhe south—Tolly's Nullah and southern boundary of Briji mauza.

On the easl—The Eastern Railway.

On the wesl—Raja Subodh Mullick Road and Eastern Metropolitan Bypass.

Ward No. Ill

On the north[1]—Noihpara Road and Tolly's Nullah.

On Lhe south—Southern boundaries of Kamdahari and Brahmapur mauzas.

On the east—Eastern boundary of Kamdahari mauza.

On Lhe west—Bidhan Palli Road, Bakshipalli Road, Rishi Rajnaruyan Road and Shekhpara Road.

Ward No. 112 On

the north—Tolly's Nullah.
On [he south—NnLhpara Road, southern boundaries of Brahmapur and Raynagar mauzas.
On the easL—Bidhan Palli Road, Bakshipalli Road, Rishi Rajnarayan Road and Shekhpara Road.
On Lhe west—H. L. Sarkar Road and Pirpukur Road.

Ward No. 113

Oil the north—Tolly's Nullah.
On the south—Southern boundary ol" Bansdroni mauza.
On the east—H, L. Sarkar Road and Pirpukur Road.
On the west—Bandipur Road and Anandapalli Road.

Ward No. 114

On [he north—Tolly's Nullah.
On [he soulh—Southern boundaries ol" Bansdroni, Chakdaha and Purba Puliari mauzas.
On [he cast—Bandipur Road and Anandapalli Road.
On the west—Kaorapukur Klial.

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 wesl—Moti Lai Gupta Road and Mahaima Gandhi Road.

Ward No. 116

On [lie north—Roy Bahadur A. C. Roy Road and Pran Krishna Chandra Lane.
On the south—Pashupaii BhaUacharjee Road.
On the cast—Tolly's Nullah and B. L. Saha Road.
On Lhe west—Bama Charan Roy Road and B. L. Saha Road.

Ward No. 117

On Lhe north—S. N. Roy Road and Circular Road (Tollygunge).
On Lhe soulh—Roy Bahadur A. C. Roy Road and Pran Krishna Chandra Lane.
On lhe east—Tolly's Nullah.

COURT BOOK
EMPOWERING LEGAL CLARITY

(Schedule IL)

Ward No. 118

On Lhe lion Ii—A line drawn on Lhc south of New Alipore Plot Nos. 23 A / 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, 23A7 60E, 23A/60D, 23A/60C. 23A/60B, 23A/60A. 23A/60/1A, 23A/ 246.

On Lhe soulh—Roy Bahadur A. C. Roy Road and S. N. Roy Road.

On lhc cast—Buda Shibtala Road.

On lhc wcsl—Joy Krishna Paul Road, SahapurMain Road and Barikpara Road.

COURT BOOK
UNDERSCORING LEGAL CLARITY

Ward No. 119

On the north—-A line drawn on Lhc soulh of New Alipore Ploi Nos. 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, *211,* 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 489 of Block K.

On the soulh—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 lhe north—Roy Bahadur A. C. Roy.

On lhe south—Bhupen Roy Road.

On lhe east—Bamacharan Roy Road.

On the wesl—Diamond Harbour Road.

Ward No. 121

On Lhc north—Bhupen Roy Road and Pashupaii Bliattachnrjce Road.

On Lhc soulh—Raja Rammohan Roy Road.

On Lhe easl—Raja Rammohan Roy Road and B. L. Saha Road.

On Lhe west—Diamond Harbour Road and Bama Charan Roy Rond.

Ward No. 122

On the north—Raja Rammohan Roy Road, Sodcpur 2nd Lane and Haridcvpur Road.

Oil the soulh—Hem Chandra Mukherjee Road, Motihl Gupta Road and Dhalipara Road.

On lhe easl—Mahaima Gandhi Road and Mutilal Gupta Road.

On the west—Kalipada Mukherjee Road. Hem Chandra Mukherjee Road, Islian Ghosh Roud and a line drawn in continuation on the south up lo Dhalipara Road.

(Schedule II.)

Ward No. 123

On Lhe north—Raja Rammohan Roy Road, Hem Chandra Mukherjee Road and Mali la I Gupla Road.

On lhe soulh—Chandi Charan Ghosh Road, James Long Sarani (Diamond Harbour Bypass), "Vidya Sagar Sarani and a line drawn in continuation lo the easl where it meets the north-western boundary of Chaklhakurani mauza.

On the east—Kalipada Mukherjee Road. Hem Chandra Mukherjec Road, Ishan Ghosh Road and a line drawn in continuation on the south up lo Dhalipnra Road.

On the west—Diamond Harbour road.

Ward No. 124

On the north—Chandi Charan Ghosh Road, James Lang Sarani (Diamond Harbour Bypass), VidyaSagar Sarani and a line drawn in continuation to lhe east where it meels lhe norLh-western boundary of Cliaklhakurani mauzu.

On the south—Mahaima Gandhi Road.

On the east—Eastern boundary of Purba Barisha mauza.

On lhe wesl—Diamond Harbour Road.

Ward No. 125

On the north—Sashan Kali to la 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 2179 of Paschirn Barisha mauza.

On lhe east—Diamond Harbour Road and along Dag Nos. 2078, 2079, 2208, 2185, 2183, 2182 and 2181 oF Paschirn Barisha mauza.

On the wesl—Dakshin Behala Road and a line drawn in continuation ' across Ananda Nagore Colony up to Dag No. 2179 of Paschirn Barisha mauza.

(Schedule II.)

Ward No. 126

On lhe north—Ho Chi Minh Saraili.

On lhc soulh—Sashan Kalilala Road, Narayan Roy Road, K. K. Roy Road and Dag Nos. 2180, 2174, 2176, 2241, 2168, 2162 and 2163 of Paschim Barisha mauza.

On lhc cast-—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 wesl—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, Jadab Ghosh Road and Sarsuna Main Road.

Ward No. 127

On the north—Ho Chi Minh Sarani.

On the soulh—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 easl—Baghpota Road, Jndab 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, 7] 6. *69*9, 1648, 696, 682, 681, 6S0, 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, 2S52, 2849, 2848, 2847,2843, 2840, 283S, 3501 ofPorui mauza, Porui Daspara Road, Porui Kancha Road, Fakirpara Road and Dr. A. K. Paul Road.

On lhe soulh—Ho Chi Minh Sarani.

On the easl—Diamond Harbour Road.

On the wesl—Beledanga Road and a line drawn along Dag Nos. 2933, 2932,293 i, 2930, 2929.2874, 2873,2872, 2871, 2868,2870, 2869, 2855, 2854 of Porui mau^.a.

(Schedule II.)

Ward No. 129

On the north—Pallishri and Maliarani Indiradcbi Road.
On the soulh—Porui Daspara Road and Porui Kancha Road.
On lhe east—Kazipara Road, Goalapara Road, Gopal Mishra Road and Becharam Chalierjee Road.
On lhe wesl—A line drawn along Dag Nos. 2836, 2835, 2834, 2833, 2832. 2831, 2824, 2823, 2813. 2809, 2808. 2807, 2806, 2802 and 2801 of Porui mauza, Mohendra Banerjee Road and along Dag Nos. 768, 767, 765, 764, 763, 762, 761, 758. 757, 719. 1231, 714, 716. of Behala mauza.

COURT BOOK
EMPOWERING LEGAL CLARITY

Ward No. 130

On the north—Nelaji Subhas Road.
On the soulh—Fakirpara Road and Dr. A. K. Paul Road.
On (he east—Diamond Harbour Road.
On ihc west—Kazipara Road, Goalapara Road, Gopal Mishra Road and Becharam Chalierjee Road.

Ward No. 131

On lhe norlh—Upendranaih Banerjee Road and Bonomali Naskar Road.
On lhe soulh—Jingira Khal, Pallishri, Maharani Indiradebi Road and Nelaji Subhas Road.
On the easl—Diamond Harbour Road and Kshudiram Bose Sarani.
On lhe wesl—Jingira Khal.

Ward No. 132

On the norlh—Canal.
On lhe soulh—Upendranaih Baneijee Road and Bonomali Naskar Road.
On the easl—Diamond Harbour Road.
On the wesl—Junction of Upendranaih Banerjee Road and the Canal.

Ward No. 133

On lhe norlh—Rameshwarpur Road, Ramnagar Lane (West), Haribabu's Pally Bye-Lane, Paharpur Road and Mudialy lsi Lane.
On the south—Northern boundary of Ramdashaii mauza.
On lhe easl—Melherpara Lane. Azaher Mollah Bagan, Haribabu's Pally Byc-Lanc and Trenching Ground Road.
On ihc wesl—Mudialy lsi Lane, Fatehpur 2nd Lane and Falehpur lsl Lane.

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(Schedule SI.)

Ward No. 134

On lhe north—Southern bank of river Hooghly and Garden Reach Road.
On the south—Garden Reach Road, Dhanksheii Khal, Haribabu's Pally Bye-Lane, Paharpur Road, Ramnagar Lane (East) and Circular Garden Reach Road.
On lhe easl—Prince Dilwarjlia Lane, western boundary of Port Commissioners' Land and Banerjee Bagan Lane.
On the wesl—Iron-gale Road, Dhanksheii 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 Lhc south—Ramnagar Lane (Wesl), Rameshwarpur Road, Mudialy Road and Mudialy Isi Lane,
On lhe easl—Iron-gale Road, Dhanksheti Khal, Mudialy 1st Lane and Mudialy Road.
On the wesl—Bichalighal Road and Mudialy Road.

Ward No. 136

On the north—S. A. Farooquie Road (Akra Road) and Mudialy Road.
On lhe soulh—Northern boundary of Ramdashati mauza.
On lhe east—Mudialy Road, Fatehpur 2nd Lane and Falehpur lsl Lane.
On the wesl—Shimpukur Lane, Sanloshpur Road and Mudialy Road.

Ward No. 137

On lhe north—Southern bank of river Hooghly and Garden Reach Road.
On Ihe soulh—Garden Reach Road, S. A. Farooquie Road (Akra Road) and Halderpara Lane.
On the east—Bichalighal Road.
On the WCSL—Murray Road and Halderpara Lane and a line drawn beiween southern bank of river Hooghly and Garden Reach Road.

Ward No. 138

On Lhe north—Dr. Abdul Kabir Road, Garden Reach Road and Halderpara Lane.
On Lhe soulh—S. A. Farooquie Road (Akra Road).
On the east—Murray Road and Halderpara Lane.
On the west—Railway siding, Railway siding (from Dr. Abdul Kabir Road lo the point where il meels Panchpara Road) and Panchpara Road.

(Schedule 11.)

Ward No. 139

On the north—S, A. Farooquie Road (Akra Road).

On the south—Northern boundaries of Panchur and Makalhali mauzas.

On ilie east—Shimpukur Lane and Sanioshpur Road.

On lhe wesl—Eastern boundary of Panehur mauza.

COURT BOOK
EMPOWERING LEGAL CLARITY

W'ard No. 140

On lhe north—JeliaparaRoad, Dr. Abdul KabirRoad, southern boundary of Akra mauza find Kailash Mislry Lane.

On lhe soulh—-S. A. Farooquie Road (Akra Road), northern boundary of Akra mauza.

On the cast—Railway siding (From Dr. Abdul Kabir Road lo lhe point where it meets Panchpara Road), Panchpara Road and wcsl cm boundary of Akra mauza.

On the west—Jeliapara Road, Bagdipara Road, eastern boundary of Akra mauza and Bhanga Khal Road.

Ward No. 141

On the norlh—Southern bank of river Hooghly,

On Lhe south—Garden Rcach Road, Dr. Abdul Kabir Road, Jeliapara Road and Kailash Mislry Lane.

On the cast—A line drawn between southern bank of river Hooghly and Garden Reach Road, Jeliapara Rond, Bagdipara Road and Bhangakhal Road.

On the west—Eastern bank of river Hooghly.

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'Schedule ffl tvasGmiLicd by s. 26 of ihc Calculla Municipal Corpora*ion (Amendmenl) An IQQrt fWi^T l^n \ri VT of IQQfil.

Serin! No.	Profession, trade and calling * *	
1	As company or association or hody of individuals, the paid-up capital ot which is equivalent to twenty lakhs of rupees or upwards, which exercises or carries on any profession, trade or calling whatsoever.	[2]* * *
2	As company or association orbudy ofindividuals, the paid-up capital of which is equivalent to one lakh of rupees or more hul less lhan twenty lakhs of rupees and which excreiscs or carrics on any profession, trade or calling whatsoever.	-* * *
3	As tax or management consultant, consulting or practising physician, practising surgeon, licentiate in medicine or surgery, medical praciiiioner, kabiraj, hakim, homoeopath, graduate oTany veterinary college, dentist, barrister, attorney. vakil or advocate oflhe High Court, pleader, proctor notary public, puhlic accountant, average adjuster. statistical reporter, analyst, shroff or banian, freight broker or negotiator, whose annual income as such is not less lhan Rs. 10.000.	* *
4	As broker or *dalot* employed in lhe wholesale transfer or purchase *■ of imports or exports, country-produced silk or other merchandise, whose annual income as sucli is not less than Rs. 10,000.	■
5	As broker, dulal or dealer in houses or landed properly. Government securities, shares or bills of exchange, whose annual income as such is not less lhan Rs, 10,000.	ij: *
6	As sculptor, painter, stage or film actor or aciress, singer, musician, magician or dancer whose annual income as such is not less than Rs. 10,000.	-* * *
7	As proprieior of a newspaper, periodical, journal or other public media, the circulation in respect of which is not less lhan len thousand copies per issue.	* *
K	As merchant, business man, banker, wholesale Iradcr, commission agent, engineer, architect, builder, contractor, auctioneer or carrier, lhe renl as charged by lhe owner or the occupicr of whose placc of business or lhc fair Idling value of whose place of business is Rs. 200 *per mensem* or more,	-* * *
9	As radiologist, the renl as charged by the owner or lhc occupier of whose place of business or the fair letting value of whose place or business is Rs. 200 *per mensem* or more.	-+ * *

'The heading williin llic square brackets was snhsliluied for lilt: heading "Professinn. Irjilt and calling anil rale of annual IJI thereon" by s S(n> of ihe Calculla Municipal Corjinraiiun (Amendment) Aci, *1992* (Wcsl Hen. Act !X or 1992)

flic Ihird .»:,umil i>T Schedule IV. namely, "Hale of annual las" 'ill llic unifies in llial cnlumn were omilied hy v K(bl. *I hid.*

Serial , No.	Profession, trade and calling	if. **
10	As keeper of laboratory for pathological examination of blood, sputum, urine, stool or such other things, the rent as charged by ilie owner or the occupier oT whose placc oT husiness or tbe fair letting value of whose place of business is Rs. 200 *per mensem* or more.	**
11	As dealer, broker or *daicd* dealing in precious stones or precious metals or articles oT precious stones or metals, the rent as charged by the owner or the occupier of whose place oT business or lhe fair letting value of whose place of business is Rs, 200 *per mensem* or more.	i* **
12	As keeper of a sophisticated hair dressing saloon providing more lhan average amcniiy io the customer, or a beauty parlour, ihc rent as chargcd by the owner or the occupier of whose place of business or (he fair lelling value or whose place of business is Rs. 200 *per mensem* or more.	**
13	As owner or occupier or a cotton, jule, hide, or other screw-house or press-house, the rent as charged by ihc owner or the occupier of whose placc of business or lhe fair letting value of whose place ofbusincss is Rs. 200 *per mensem* or more, .	u **
1*A*	As decorator, the rent as charged hy the owner or the occupier of whose placc of business or the fair letiing value of whose piacc of husiness is Rs. 200 *per mensem* or more.	i* **
15	As printer, publisher, lithographer, engraver, die-sinker, photographer, phoLoiyper. owner or a tutorial home, commercial school or college or order supplier, the reni as chargcd by the owner or Lhe occupier of whose placc of business or the fair letting value of whose placc of husiness is Rs. 200 *per mensem* or more.	i* *.*
16	As owner or occupier of a market or a placc of public entertainment, oiher lhan a theatre or a cinema house, kepi up for profit, ihe rem as chargcd by ihc owner or the occupicr of whose placc of business or the fair Idling value of whole placc of business is Rs. 200*per mensem* or more.	i* *+
17	As hotel keeper, boarding house keeper, lodging house keeper, manufacturer, retail trader or shopkeeper, the rent as charged hy the owner or lhe occupier of whose placc of business or the fair Idling value of whose placc of business is Rs. 200 *per mensem* or more.	i* **
IS	As owner or occupicr or a dcpoi or godown for storage of goods Tor wholesale business, lhe rem as charged hy the owner or the occupicr oT whose place of business or lhe Tair letting value or whose placc of business is Rs. 200 *per mensem* or more.	i* +t-

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(Schedule IV.)

Serial No,	Profession, trade and calling	**
19	**As keeper of a hydrotherapy balh or other clinic nr heallh rcsorl, the rent as chargcd by the owner or ihe occupicr of whose placc of business or the fair letting vnluc of whose place orbusincss is Rs. 200** *per mensem* **or more.**	t* * *
20	**As keeper ofa laundry, the rent as chargcd by the owner or the occupier of whose place of business or [lie fair letiing value of whose placc of business is Rs. 200** *per mensem* **or more.**	ls(: sfl *
2!	**As keeper of an unsophisticated hair dressing saloon, ihc rent as charged by the owner or the occupier of whose placc of business or the fair letting value of whose place of business is Rs.** *2Q0 per mensem* **or more.**	' * * *
22	**As dyer or a cleaner, the rent as chargcd by the owner or the occupier of whose placc of business or lhe fair letiing value oT whose placc of business is Rs. 200** *per mensem* **or more.**	
23	**As keeper of a shop for lhe sale of any intoxicating drug, the rent as charged by the owner or the occupicr of whose placc of business or lhe fairlciling value of whose place of business is Rs.** *200 per mensem* **or more.**	1 s+s *
24	**As dealer or seller of automobile spare parts, Ihc rent as charged by the owner or ihc occupier or whose place of business or the fair letting value of whose placc of business is Rs. 200** *per* ***Mensem*** **or more.**	' * * *
25	**As owner of a hire-purchase business, the rem as charged by the owner or the occupier of whose place of business or Hie fair letting value of whose place of business is Rs. 200** *per mensem* **or more. . '**	* +
26	**As proprietor or keeper of a nursing home or a sanatorium with ten or more beds for indoor patients.**	1* sk *
27	**As bullion mcrcliani . . . . . .**	■5fe * *
28	**As sole or chief agent or distributor of any merchandise or holder of dealership of any manufacturer or company.**	1* * *
29	**Wholesale trader in medicine, edible oils, ghee or spices ..**	1 * * *
30	**As keeper of a restaurant wilh floor shows including cabaret or orchestra.**	|^^^
31	**As cinema Film distributor, cinema film produceror keeper ofa cinema film studio, a jatra or opera parly,**	1* * =*

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Serial _ No.	Profession, trade and calling	
32	As owner or occupier of a ilieaire or a cinema house .. , .	1 JK * *
33	As owner of I en or more Laxi-cabs, buses, lorries, Lcmpo-vans or comma cars which are used for carrying passengers or goods on payment of hire.	1 :fc * £
34	As book maker or lurf accouniani	1 ti: #
_ 35	As professional horse-breaker or race-horse trainer	**
36	As advertising agent .. .. . , ..	I sjj A
37	As stevedore	
38	As keeper of a shop for Lhc sale of intoxicating liquor , .	**
39	As company or association or body ofindividuals, lhe paid-up capital or which is equivalent to fifLy thousand rupees or more buL less than one lakh of rupees and which exercises or carries on any profession, trade or calling whatsoever.	
40	As lax or management consuliant, consulting or practising physician, practising surgeon, liccnliatc in medicine or surgery, medical practitioner, kabiraj, hakim, homoeopath, graduale of any veierinary college, dentist, barrister, attorney, vakil or advocate of Ihe High Court, pleader, proctor, notary public, accountant, average adjuster, statistical reporter, analyst, shroff or banian, freight broker or negotiator, whose annual income as such is -Rs. 5,000 or more but less lhan Rs. 10,000.	1 ^
41	As hrokcr or *dalal* employed in the wholesale transfer or purchase of imports, or exporls, country-produced silk or other merchandise, whose annual income as such is Rs. 5,000 or more but less than Rs. 10,000.	1* * *
42	As broker, *dalal* or dealer in houses or landed proerly, Government securities, shares or bills of exchange, whose annual income as such is Rs. 5.000 or more buL less than Rs. 10,000,	1 * # *
43 '	As sculptor, painter, stage of film actor or actress, singer, musician, magician or dancer, whose annual income as such is Rs. 5,000 or more but less than Rs. 10,000.	**
44	As mcrchani, businessman, banker, wholesale trader, commission agent, engineer, architect, builder, conlractor, auctioneer, or carrier, the rent as charged by the owner or the occupier of whose placc ol" business or the fair letting value of whose placc of business is Rs. 100 *per mensem* or more but less than Rs. 200.	1* * sjt

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(Schedule IV)

Serial No,	Profession, irade and calling	[1]V * *
45	**As owner or occupier of a couon. jute, hide or other screw-house or press-house, lhe rcnl as chargcd hy ihc owner or [lie occupier of whose place of business or the fair kiting value of whose place of husiness is Rs, 100** *per mensem* **or more bui less than Rs, 200.**	**1 * * ***
46	**As decoraior, lhe rcnl us chargcd by ihc owner or lhe occupier of whose place of business or ilie fair letting value oT whose place of business is Rs, 100** *per mensem* **or more bus less lhan Rs, 200.**	[1] * * *
47	**As printer, publisher, lilhographcr. engr;\vcr, diesinker, photographer, phoio-typcr, owner ofa tutorial home, commercial school or collcgc or order supplier, lhe rent as charged by the owner or (he occupier or whose place of business or the fair letting value of whose place of husiness is Rs, 100** *per mensem* **or more huL less than Rs. 200.**	[1] * * *
48	**As owner or occupicr of a market or a placc of public entertainment, other than a theatre or a cinema house, kepi up for profit, the rent as charged by the owner or lhe occupier or whose placc of business or the fair letting value of whose place of business is Rs.** *\00 per mensem* **or more but less lhan Rs. 200.**	[1] * * *
4<J	**As hold keeper, boarding house keeper, lodging house keeper, manufacturer, retail trader or shop keeper, the rcnl as charged by the owner or occupicr of whose placc of business or the fair letting value of whose placc of business is Rs. 100** *per mensem* **or more hul less than Rs. 200.**	**i * Iji ***
50	**As owner or occupier of a depot or godown for storage or goods for wholesle business, lhe rem as chargcd by the owner or the occupier of whose place of business or (he fair letting value of whose placc or business is Rs. 100***per mensem* **or more but less than Rs. 200.**	**1 * * ***
51	**As keeper ofa hydro-therapy, bath or oilier clinic or health resort, ihc rent as charged by the owner or lhe occupier or whose place of business or the fair letting value of whose place of business is Rs. 100** *per mensem* **or more hul less than Rs. 200.**	**1* * ***
52	**As keeper of a laundry, the rcnl as chargcd by lhe owner or the occupier of whose place of business or the Tairlelting value oT whose place of husiness is Rs. 100** *per mensem* **or more but less than Rs, 200.**	**l*. jjt**
53	**As keeper of an unsophisticated hair dressing saloon, the rent as chargcd by the owner or lhe occupicr of whose place of business or the fair letiing value of whose placc of business is Rs. 100** *per mensem* **or more bul less lhan Rs. 200.**	[1] * * *
54	**As dyer or cleaner, ihe rent as chargcd by the owner or lhe occupier of whose place of business or the fair letting value or whose place of business is Rs. 100** *per mensem at* **more but less lhan Rs. 200,**	

[1]*See* **fnoi-nolc 2 on |i.if£C** Y1'). *time*

Serial No.	Profession, Irade and calling	**
55	**As keeper of a shop Tor lhe sale of any intoxicating drug, lhe renl as charged by lhe owner or lhe occupier of whose place of business or the fair letting value of whose place of business is Rs. 100** *per mensem* **or more but less lhan Rs. 200.**	1* * *
56	**As dealer or seller of automobile spare parts, the rent as chargcd by the owner of lhe occupicr of whose place orbusincss or lhc fair leiiing value of whose place of business is Rs, 100** *per mensem* **or more but less than Rs. 200.**	**
57	**As owner of a hire-purchase husincss, the rent as charged by the owner or the occupicr of whose placc or business or lhe fair letting value of whose place of business is Rs. 100** *per mensem* **or more but less than Rs. 200.**	L* * *
58	**As radiologist, the rent as charged by the owner or the occupier of whose place of business or the lair Idling value of whose place of business is Rs. 100** *per mensem* **or more bui less lhan Rs. 200.**	**
59	**As keeper of a laboratory for pathological examinaiion of blood, sputum, urine, stool or such other things, the rent as chargcd by the owner or lhe occupier of whose place of business or lhe fair Jelling value of whose place of business is Rs. 100** *per mensem* **or more hul less lhan Rs. 200. "**	'%{?
60	**As dealer, broker or rfrr/af dealing in precious stones or precious metals or articles of precious stone or meials, the rent as charged by the owner or the occupicr of whose placc of business or lhe fair letting value or whose place of business is Rs. 100** *per mensem* **or more bui less than Rs. 200.**	**
61	**As keeper or a sophisticated hair dressing saloon providing more lhan average amenity lo the customer, or a beauty parlour, lhe rent as chargcd by the owner or lhe occupicr or whose place or business or lhe fair letting value of whose place of business is Rs. 100** *per mensem* **or more but less Lhan Rs. 200.**	¥
62	**As proprieior or keeper of a nursing home or a sanatorium wiih five or more but less lhan ten beds Tor indoor patients.**	I* Jfl *
63	**As owner of five or more but less than ten taxi-cabs, buses, lorries, tempo-vans or contract cars which are used for carrying passengers or goods on payment or hire.**	1* * *
64	**As company or association or body ofindividuals, lhe paid-up capilal of which is equivalent to twenty five thousand rupees or more but less than fifty thousand rupees, and which exercises or carrics on any profession, trade or calling whatsoever.**	lif; ^ i+i

'iVf fool-note 2 on page 919, *ante.*

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(Schedule IV.)

SerUil No.	Profession, trade and calling	
65	**As proprietor of a newspaper, periodical, journal or other public niediii, ihe circulation in respeci or which is 5,000 copies per issue or more bm less lhan 10,000 copies.**	* *
66	**As owner or occupier ol"a collon, juie, hide or other screw-house or press-house, ihe rem ns charged by [lie owner or lhe occupier of who.se placc of business or lhe fair Idling value of whose place of business is Rs. 50** *pt'f mensem* **or more bui less lhan Rs. 100.**	* *
67	**As decorator lhe rent charged by lhe owner or ihe occupicr of whose place of business or lhe fair letting value of whose place of business is Rs. 50** *per mensem* **or more but less than Rs. 100,**	'* * *
6H	**As printer, publisher, lithographer, engraver, die-sinker, photographer, photoiyper. owner of a tutorial home, commcrcial school or college, or order supplier the reni as charged by the owner or lhc occupier of whose place of business or the fair letting value of whose place of business is Rs. 50** *per mensem* **or more but less than Rs. 100.**	1* * *
69	**As owner or occupier of a market or a placc of public entertainment, oiher lhan a theatre or a cinema house kepi up for profit the rent as charged by the owner or lhe occupier of whose placc of business or the fair letting value of whose place of business is Rs. 50** *pet mensem* **or more but less than Rs. 100.**	L* !ti *
.70	**As hotel keeper, boarding house keeper, lodging house keeper, manufacturer, retail trader or shop keeper, the rent as charged by lhe owner or the occupier of whose placc or business or Lhc fair letting value of whose place of business is Rs. 50** *per mensem* **or more but less than Rs. 100.**	* *
71	**As owner or occupicr of a depot or godown for storage of goods for wholesale business, lhe renl as chargcd by Lhc owner or the occupier of whose placc or business for the fair letting value of whose placc of business is Rs, 50** *per mensem* **or more but less lhan Rs. 100.**	
72	**As ihe keeper of a hydrotherapy, ball) or other clinic of health resort, lhe rent as chargcd by the owner or the occupier of whose placc of business or the fairlelling value of whose placc «rbusiness is Rs. 50** *per mensem* **or more bui less lhan Rs. 100.**	* *
73.	**As keeper of laundry, the rent as charged by lhe owner or the occupicr of whose placc of business or the fair letting value or whose placc or business is Rs. 50** *per mensem* **or more but less lhan Rs. 100,**	

'."ifc fiutl-nali; *2* **on page 919.** *owe.*

Serial No.	Profession, trade and calling	**
74	**As keeper of an unsophisticated hair dressing saloon, [he ren[as chargcd by the owner or ihc occupicr of whose placc of business or [he fair Idling value of whose placc of husiness is Rs.** *50 per mensem* **or more bui less [han Rs. 100,**	[1] *
75	**Dyer or clcancr, ihc rem as chargcd by ihc owner or lhe occupicr of whose placc of business nr ilie fair Idling value of whose place of business is Rs. 50** *per mensem* **or more bul less than Rs, 100.**	1* * s|:
76	**As keeper of a shop for lhe sale of any intoxicating drug, the rent as chargcd hy the owner or the occupier of whose placc Df business or die fair Idling value of whose placc of business is Rs.** *50per mensem* **or more but less than Rs. 100. '**	s):
77	**As proprietor or keeper ofa nursing home or a sanatorium with less than five beds for indoor patients.**	[1] * * *
78	**As radiologist other lhan those mentioned elsewhere in this schedule.**	I* ifE *
79	**As keeper of a laboratory for pathological examination of blood, spuium, urine, stool or such other things, other than those mentioned elsewhere in Ihis schedule.**	l;j: * *
80	**As dealer, broker or** *dalal* **dealing in precious stones or precious metals or articles of prccious stones or meials, oiher lhan those mentioned elsewhere in lhis schedule.**	[1]*=. *
SI	**As keeper of a sophisticated hair dressing saloon providing more than average amenity Lo the customer, or a beauly parlour, other lhan those mentioned elsewhere in this schedule.**	J * *
82	**As dealer or seller of automobile spare parts, oilier lhan ihose mentioned elsewhere in ihis schedule.**	[1]* * #
S3	**As owner of a hirc-purchasc husiness, lhe rent as chargcd by lhe owner or the occupier of whose placc of business or the fair letting value of whose place of husiness is Rs. 50** *per mensem* **or more bul less lhan Rs. 100.**	ifc *
84	**As merchant, businessman, banker, wholesale trader, commission agent, engineer, architect, builder, contractor, auctioneer or carricr, other than those mentioned elsewhere in lhis schedule.**	1 *t s|e
R5	**As owner of less than five laxi-cahs, buses, lorries, tempo-vans or contract cars which are used for carrying passengers for hire.**	[1] * * *
Rf>	**As jockey licensed by any turf club in the State . . ..**	[J] ?f= * *

[1] ***Srv*** **fuiU-nDlc 2 on pape 919,** ***ante.***

(Schedule IV)

Serial No.	Profession, trade and calling	1 * * i:
87	**As company or association or body oT individuals, lhe paid-up capital ol" which is less lhan iweniy-livc thousand rupees, which exorcises or carrics on any profession, trade or calling whatsoever.**	1 * ^ ^
88	**As lax or management consultant, consulting or practising physician, practising surgeon, licentiate in medicinc or surgery, medical practitioner, kabiraj, hakim, homoeopath, graduate of any veterinary college, dentist, barrister, attorney, vakil or advocate of the High Court, pleader, proctor, notary public, public accountant, average adjuster, statistical reporter, analyst, shroff or banian, freight hroker or negotiator, whose annual income such is less than Rs. 5.000. "**	I* * ;K
89	**As broker or *dalal* employed in the wholesale transfer or purchase of imports or exports, country-produced silk or other merchandise, whose annual income as sueh is less lhan Rs. 5.000.**	* *
90	**As broker, *dalal* or dealer in houses or landed property. Government securities, shares or bills of exchange, whose annual income as such is less than Rs. 5,000,**	1 * * rt
91	**As sculptor, painter, stage or film actor or actress, singer, musician, musician or dancer, whose annual incomc as such is less than Rs,5,000.**	' * *
92	**As proprietor of a newspaper, periodical, journal or other puhlie media, the circulation in respcct of which is one thousand copies per issue or more hut less lhan 5,000 copies.**	'ij: s|t sf:
93	**As insurance agent, broker or canvasser, whose annual incomc as such is not less lhan Rs. 3,000.**	
94	**As mukhlear, whose annual incomc as such is nol less than Rs. 3,000.**	* *
95	**As owner or occupicr of a cotton, jute, hide or other screw-house or press-house other than those mentioned elsewhere in this schedule.**	* *
96	**As decorator, the rent as charged by the owner or the occupier of whose placc of husincss or the fair letting value of whose place of business in Rs. 25 *per mensem* or more but less than R.s, 50.**	* *
97	**As printer, publisher, lithographer, engraver, die-sinker, photographer, phoiotypcr, owner of ;» lulorial home, commercial school or college or order supplier, the rent as charged by the owner or the occupier of whose place of business or lhc fair letting value of whose place of business is Rs. *25 per mensem* or more but less than Rs. 50.**	' * * *

'Ser fuol-nole *2* on page 01 'J, *nmc.*

ISchedule IV.)

Serial Nik.	Profession, irade and calling	i* **
98	As hotel-keeper, boarding house keeper, lodging house keeper, manufacturer, retail trader or shop keeper, the rent as charged by lhe owner or the occupicr of whose placc of business or the fair letiing value of whose place of business is Rs.. 25 *per mensem* or more but less than Rs. 50.	i* **
99	As dyer nr cleaner, lhe rent as charged by the owner or the occupicr of whose placc of business or the fair letting value of whose place of business is Rs. 25 *per mensem* or more but less lhan Rs. 50.	i* **
1(H)	As keeper of an unsophisticated hair dressing saloon, ihc rcnl as charged by the owner or the occupier of whose place of business of the fair letting value of whose placc ofbusincss is Rs. 25 *per mensem* or more but less lhan Rs. 50.	* #
101	As carriage dealer or horse dealer, the rcnl as charged by the owner of ihc occupier of whose place of business or lhe fair letting value of whose placc of business is Rs. 25 *per mensem* or more.	8k *
102	As plumber, elcctric filler or gas filler, the rent or charged by the owner or lhe occupicr of whose placc of business or the fair letting value of whose placc of business is Rs. 25 *per mensem* or more.	I* **
' 103	As puddar or money changer, lhe rent as charged by the owner or the occupier of whose placc of business or the fair letiing value of whose place of business is Rs. 25 *per mensem* or more.	I* **
104	As owner or occupier ofa market or a placc of public entertainment, other lhan a theatre or a cinema house, kept up for profit, other lhan those mentioned elsewhere in lhis Schedule.	I* # *
105	As owner of occupier of a depol or godown for storage of goods for wholesale business other lhan those mentioned elsewhere in this Schedule.	**
106	As keeper of hydrotherapy, bath or other clinic or health resort, other lhan those mentioned elsewhere in lhis Schedule.	i* w *
107	As keeper of a shop for the sale of any intoxicating drug, other than those mentioned elsewhere in (his Schedule.	i* * *
108	As keeper of a laundry, other lhan those mentioned elsewhere in this Schedule.	>* * *
109	As owner of a hire purchase business, other than those mentioned elsewhere in this Schedule.	I* **
110	As private detective	I* * *

'See fool-nolc 2 on paiio 919.*.mile.*

LIX ofiyso,]

(Schedule IV.)

Serial No.	Profession, Lrade and calling	1 * * *
Ill	As keeper ol' a billiard room , , . , ...	1 * * *
112	As pawn broker or money lender	[1] * * *
II?	As professional astrologer	I * * *
114	As owner of a steam Terry boat or slcam cargo boat	1 * *
115	As commercial traveller or manufacturer's representative ,.	1 * * *
1 16	As chalani trader or purchaser of goods in [Kolkata] for transport and sale beyond the limits of-[Kolkata].	1 * * #
1 17	As advertisement broker	1 *5 * #
118	As labour supplier, licensed shipping broker, boat supplier or custom house agent.	1 * * *
1 19	As surveyor (including a licensed huilding surveyor or professional measurer).	1* * *
120	Practising apothecary or practising veterinary surgeon . .	I* *
121	As broker or *dedal* oiher than those mentioned elsewhere in this Schedule. ■	+ *
122	Decorator, other lhan those mentioned elsewhere in lhis Schedule	l:Jc + 3jc
123	As printer, publisher, lithographer, engraver, diesinkar, photographer or pholotyper. owner ofa tutorial home, commercial school nr college or order supplier, other than those mentioned elsewhere in this Schedule,	[1] * * *
124	As hotel keeper, hoarding house keeper, lodging house keeper or manufacturer, other than those mentioned elsewhere in this Schedule. -	' * * *
125	As retail trader of shop keeper, the rent as charged by the owner or the occupicr of whose place of business or the fair letting value of whose place ol'business is Rs. 15 *per mensem* or more but less lhan Rs. 25.	' * * *
126	As keeper of an unsophisticated hair dressing saloon the rent as charged bv the owner or the occupier of whose place of business or ihe fair letting value ol whose placc of business is Rs. 15 *per mensem* or more but less lhan Rs. 25.	t* * *

[1] *S L>P.* fooi-noic 2 on pji;u 91 [1] *J> unit*. -Sec* fooL-noii' 2 on page 57X *etnte.*

Serial No.,	Profession, irade and calling	**
127.	As dyer sir cleaner, (he renl as charged by lhe owner or the occupicr of whose placc of business or the fair lolling value of whose placc of business is Rs. 15 *per mensem* or more bui less lhan Rs. 25.	[* * *
12H	As carriage dealer or horse dealer olher than those mentioned elsewhere in lhis Schedule,	'* **
129	As plumber, electric filler or gas fitter, other than those men lionet] elsewhere in Ibis Schedule.	1 * i?:
130	As poddar or money changer, other than Ihosc mentioned elsewhere in this Schedule.	J ^ X ^
131	As owner oT a music or a dance school . , . . , .	[*=**
132	As professional draftsman . . . , , . . .	
133	As proprietor of a newspaper, periodical, journal or other public media, the circulation in respect of which is less than one thousand copies per issue.	* V-
134	As insurance agent, hraker or canvasscr. whose annual incomc as such is less than Rs. 3,000.	'ij: X *
135	As mukhlcar. whose annual income as such is less than Rs. 3.000	] * *
136	As fortune letter	1 * * X
137	As owner of a cargo boat or a passenger boat or n bullock or a buffalo carl which is lei oul on hire,	1 jj4 >)! J«J
138	As band supplier or stamp vendor	'ty:
139	As owner of three or more jin-rickshaws, cycle-rickshaws, carriages or handcarts, which are let oul on hire.	I* * *
140	As keeper of a shop or other place of business oilier lhan those mentioned elsewhere in this Schedule.	1* * *
Ml	As paddlar, vendor of goods	^ s?: ?{s i»s
142	As owner of less lhan lliree jin-rickshaws, cycle-rickshaws, carriages or handcarts, which are let oul on hire,	In;: :+: J!;
143	As professional petition, letter or bill writer	1* * *

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Aher ruui-nolc *2* on pn;?e !> IV. ojirt[1].

SCHEDULE V

■ *[See* **seciion 435.1**

PART I

Purposes for which premises may not be used without permission

Carrying OUL **any of lhc following trades or operation connected wiih trades;—**

1. **Baking.**
2. **Cinematograph films. Shooting of—**
3. **Cinematograph films t>y any process; whatsoever. Treating of—**
4. **Chillies or masala or corn or seeds. Grinding of by mechanical means—**
5. **Clolh. yarn or leather in indigo t>r in olher colours. Dyeing or priming of—**
6. **Cloth or yarn. Bleaching—**
7. **Drugs. Retail Sale of—**
8. **Eating house or a 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 pocking—**
14. **Laundry shop. Keeping a—**

1 .*). Leather goods, Manufacturing of by mechanical means—

16. **Litho press. Keeping a—**
17. **Lodging house. Keeping of a—**

!i$. Metal. Casting—

19. **Precious meials. Refining of or recovering of them from embroideries—**
20. **Printing press. Keeping a—**
21. **Swccimeal shop except in premises already licensed as an eating house. Keeping—**
22. **Carrying on the trade or business of or any operation connected with Lhc trade of—**
    - **(i) Autocar or autocycle servicing or repairing.**
    - **(ii) Blacksmithy.**
    - **(iii) CoppersmiLhy.**
    - **Civ) Electroplating.**
    - **(v) Glass levelling.**
    - **(vi) Glass culling.**
    - **(vii) Glass polishing.**

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(viii) Goldsmiihy.
(ix) Marble culling, grinding, dressing or polishing.
(x) Meial {ferrous or non-ferrous or antimony by excluding previous metal) cutting or treating metal by hamcring, drilling, pressing, filing, polishing, healing or by any other process whatever or assembling parts of metal.
(xi) Photogcaphy-studio.
(xii) Radio (wireless receiving set) selling, repairing, servicing or manufacturing.
(xiii) Silversmithy.
(xi v) Spinning or weaving cotton, silk, art silk, or juLe on wool wilh the aid of power.
(xv) Slone grinding, cutting, dressing or polishing.
(xvi) Timber or wood sawing or euLiing by mechanical or clcciric power.
(xvii) Tinsmithy,
(xviii) Washerman's trade.
(xix) Welding of metal by clcciric, gas or any process whatsoever.

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23. Manufacturing, parching, packing, pressing, cleaning, deansings. boiling, meliing, grinding or preparing by any process, whatever any of the following articles—

(i) Aerated waters.
(ii) Bakclilc goods.
(iii) *Bidies* **(indigenous cigarclics), snuff, cigars or Cigareucs.**
(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) Caigut.
(xii) Celluloid or cclluloid goods.
(xiii) Cement eonercle designs or models.
(xiv) Charcoal..
(xv) Chemicals.
(xvi) Cinematograph films stripping in connection wilh any trade.
(xvii) Cosmclics or toilet goods.
.(xviii) Collon, cotton refuses, cotton waste, collon yarn, silk, silk yarn, silk inclusive of waste yarn, art silk, art silk waste, art silk yarn, wool or woollen refuse or waste, (xix) Collon seeds,
(xx) *Dammar* **(Resin),**

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(Schedule V.)

(xxi) Drug.
(xxii) Dynamite.
(xxiii) Fai.
(xxiv) Fireworks.
(xxv) Flax.
(xxvi) Food.
(xxvii) Ink for priming, writing, stamping, etc.
(xxviii) Gas.
(xxix) Ghee.
(xxxj 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-doih,
(xlii) Oil other lhan petroleum (either by mcchanicul power or by hand power or 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) Plnsiic goods.
(1) Poltery by hand power.
(Ii) Pottery by mechanical or any power other lhan hand power.
(lii) Sanitary-ware of china-ware.
(liii) Soap.
(liv) Sugar.
(1 v) Sweetmeat and confcclionary goods.
(Ivi) Tallow.
(Ivii) Tar.
(Iviii) Varnishes.
(lix) Wooden furniture, boxes, barrels, khokas, or other articles of wood or of plywood or of sandalwood.

24. **Keeping of horses, cattle or olher quadruped animals or birds lor transportation, sale or hire or for sale of the produce thereof.**

(Schedule V.)

PART II

Arlicles which may not be stored in any premises without permission exccpt for domestic purposes

1. Asafoeiida.
2. Ashes.
3. Bamboos.
4. Bidi leaves.
5. Blasting powder.
6. Blood.
7. Bones, bone meal or hone 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 safely base.
1S. Cloth in pressed bales or boras.
jy. Oolh or doilies of cotton, wool, silk, art silk, elc.
20. Conl.
21. Cocoanui fibre.
22. Coke.
23. Compound gas, such as oxygen gas, hydrogen gas, nilrogen gas, carbon dioxide gas, sulphur dioxide gas, chlorine gas. acetylene gas, etc.
24. Copra.
25. Collon including Kahok, surgical collon and silky collon,
26. Collon refuse or waste or collon yarn refuse or waste,
27. Collon seed.
2ii, Detonators,
29. Dry leaves.
30. Dynamite,
31. Explosive paint such as nitro-cellulose paint, lacquer paint, enamel paini, elc.
32. Fat.
33. Fell.
34. Fins.
35. Firewood.
36. Fireworks.
37. Fish (dried).
38. Flax.
39. Fulminate.
40. Fulminate ol' mercury.
41. Fulminate of silver.
42. Gelatine.
43. Gelignite.
44. Grass.
45. Gun-cotton.
46. Gunpowder.

■4*7. Gunny bags.
48. Hair. "
■ **49. Hay or fodder.**
50. **Hemp.**
51. **Hesian cloth (gunny-bug cloth).**
52. **Hides (Dried).**
53. **Hides (raw).**
54. **Hoofs.**
55. **Horns.**
56. **Incense or csiis.**
57. Jute.
5N. Khokns, boxes, barrels, furniture or any other article nf 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-glyccrine.
66. Nitro-niixiure.
67. Offal.
68. Oil, olher lhan petroleum.
69. Oilseeds including almonds, but excluding collon seeds.
70. Old paper or waste paper including old newspapers, periodicals, magazines, eic.
71. Packing stuff (paper cuttings, husk, saw dusl, etc.).
72. Paints.
73. Paper other thiin old paper in pressed bales or loose or in reams.
74. Petroleum, other than dangerous petroleum, as defined in the Petroleum Act, 1934.
75. Phosphorus.
76. Plastic i>r plastic goods.
77. Plywood.
7S. Rags, including small pieces or uutiings of cloth, hessian clotli, gunny-bug cloth, silk, art silk isr woollen cloth.
79. Rosin or dammar Bat tar niherwise known as Ral.
SO. Safety fuses, log signals, cartridges, etc.
81. Saltpetre.
S3. 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 damnier or bitumen,
90. Tarpaulinc,
91. Thinner.
92. Timber.
, **93. Turpentine.**
94. Varnish.
95. Wool (raw).
96. Yarn other titan waste yarn.

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SCHEDULE VI Penalties

(iSee **section 610.)**

Explanation.—**The entries under the heading "Subjeel" in lhe second column of lhe following table shall noi be intended as definitions of the offences prescribed in the provisions mentioned in the first column or as abstract or those provisions but merely as references to the subject thereof:—**

Scclion and sub- scclion, Clause or proviso	Subjccl	Fine or imprisonmeni which may be imposed	Daily fine which may be imposed.
1	2	3	4
Scclion 101, scclion (1).	sub- Member of lhe Corporaiion faking part in discu.^ion in matters in which he is interested.	Five hundred rupees	
Scclion 160. scclion (3).	sub- Requisition by auditors lo producc documents, m appear in person or lo mako and sign declaration, la answer question io submit statement.	Two hundred rupees	Fifty rupees.
Seclion 181	Requisition for reiurn for purposes oT assessment of annual valuation.	Three hundred rupees	
Scclion 183	Obligation tn give noliec of transfer of title in land or building.	Fifty rupees	Twenty-five rupees.
'[Scclion 199 section (1).	sub- Failure lo take oui certificate of enlistment.	One thousand rupees.]	
Scclion 202, scclion (1),	sub- Prohibilion of advertisements wilhoul wrilien permission of lhe Municipal Commissioner.	One thousand rupees	One Hundred rupees.
Scclion 202, scclion (3),	sub- Prohibition for broadcasting advertise mem wiltioul permission.	One ihousand rupees	One hundred rupees.
Scclion 203, scclion (I).	sub- Prohibilion for use or site wilhoul liccncc for purpose of advertisement,	One ihousand rupees	One hundred rupees.
Seclion 23K. scciinn [1).	sub- Improper use of wh olesome wnt er s upp 1 icd for domestic purposes.	Seven hundred and fifty rupees.	Seventy-five rupees.

'The cnlrics in columns 1. *2* and 3 respectively wilhin ihc square brnckels wen: subslilulcd Tor Ihc entries in column I. "Scclion 200, M)b-srcliun (5),", in column *2,* "Failure lo apply for obtaining certificate of enlistment for payment of lax on profession, trade or culling ", in column 3, "One hundred and fifty rupees." and in column *4,* 'Ten rupees." by s, 9 of ihc Calculla Municipal Corporaiion (Amendment) Acl, 1992 (Wcsl Hen. Acl IX of 1992).

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Scclion and subsection. Clausc or proviso	Subject	Fine or imprisonment which may be imposed	Daily lire which may be imposed.
1	*1*	*J*	*A*
Scction 248, section (1), sub-	Sinking or lubc-wcll wilhoui permission	Five hundred rupees	Fifly rupees
Scclion 24B, seclion(2). sub-	Sinking of tube-well in violation nf condit ions or without payment or **I**ck	Two hundred and fifty rupees	Ten ropecs.
Scction 249, scclion (1).	Refusal io sink a lubc-wcll.	Five hundred rupees.	One hundred rupees. Ten rupees.
Scclion 249, scclion (2). sub- sub-	Refusal lo lake oul license or viola lion of the conditions of liccncc or non-payment of licence Tees,	Two hundred and fiTly rupees.	
Seciion 255, scclion **(2).** sub-	Refusal lo by separate supply pipe	Two hundred and fifly rupees.	Ten rupees.
Scclion 264, scclion (I). sub-	Prohibition of fraud in respect of me Ires	One thousand rupees.	One hundred rupees.
Scction 265, scclion (3). sub-	Violating regulations for supply of waler hy mcircs.	Five hundred rupees.	Fifly rupees.
Scclion 266	Newly consirucied or reconstructed premises nol lo be occupicd wilhoui arrange men i or waler supply.	One thousand rupees.	One hundred rupees,
Scclion 267	Requisition [on] to owner lo obtain adequate supply of waler from nearest main for his building.	Five hundred rupees.	Fifly rupees.
Seciion 269	Requisition to fill up well.	Two hundred rupees	Twenty rupees.
Scciion 270	Requisition to lhe owner of premises lo sel up pumps for supply of waler.	Five hundred rupees	Fifly rupees.
Scclion 271	Improper use of filtered water supplied for domestic purposes.	Seven hundred and fifly rupees.	Seventy-five rupees.
Scclion 272, section (3). sub-	Use of un tillered waler for doincslic purposes or Tor any purpose rot authorised.	Two hundred and fifty rupees.	Ten rupees.
Scclion 273	Prohibition of wasting or misuse or waler.	Five hundred rupees	Twenty-five rupees. *
Scclion 290	Unlawful connexion of house drain with Municipal drain.	One thousand rupees	One hundred rupees.
Scclion *293*. scclion (I). sub-	Unlawful erection or re-crcclion **OR** premises and occupation thereof wilhoui drains.	One thousand rupees	One hundred rupees.
Scclion *294, ft* **1** sub-	Failure of owner lo arrange for drainage of unHmni'H pn ronnicilinn	One thousand rupees	One hundred

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(Schedule VI.)

Seclion and sub- scclion. Clause or proviso 1	Subjeci *1*	Fine or imprisonmeni which may he imposed 3	Daily fine which may be imposed. 4
Section 294, scclion (2). sub-	Requisition to owner lo arrange for sufficient means of cfficctual drainage.	One thousand rupees	One hundred rupees.
Scclion 295	Requisition lo owners ofdifferenl premises for compulsory connccIion of house drains wilh each other.	One ihousand rupees	One hundred rupees.
Scciion 297	Requisition lo owner or premises lo closc or limit the use of house drain in cciuin cases.	Five hundred rupees	Firiy rupees.
Scclion 298	Requisition lo owner or owners of buildings to carry oui certain works for satisfactory drainage.	Five hundred rupees	TWenly-Jive rupees.
Scclion 299	Rcquisilion io occupicr lo carry out work,	Two hundred rupees	'[en rupees.
Section 300. scciion (2), sub-	Violation of noticc lo construct drains for huts by (he owner of ihe land.	One ihousand rupees	Fifty nipccs.
Scclion 301	Unlawful discharge of irade affluent hy occupier.	One thousand rupees	FiTly rupees.
Scclion 3U2	Violation ur notice lo drain iiade affluent by llic owner or occupicr.	One thousand rupees	Fifty rupees.
Section 303. scciion (1), sub-	Throwing, emptying or turning certain mailers not lo be passed through municipal drains.	One thousand rupees	Fifty rupees.
Scclion 308. section (1), suh-	Construction of cesspool in violation or provision.	Five hundred rupees	Fifty rupees.
Seclion .108, scclinn (2). sub-	Rcquisilion on owner to nil up or remove unlawful ccsspool.	Five hundred lupccs	Twenty-five rupees.
Scclion 309. sccliun (I). sub-	Construclion or ho use drain, service privy, etc., within fifteen meters or tank, well, cle.	One thuusanil rupees	Fifty rupees.
Scclion 315. clause (a)	Requisition lo owner or owner; lo repair, elc.. drains, privy, urinal, house-gully, elc.	Five hundred rupees	Fifty rupees.
Seclion 317. scclion (1). sub-	Unauthorised construclion over or along municipal drains, fewer, waler mains, clc.	One Ihousound rupees or six months' imprisonment or both.	One hundred rupees.
Scclion 318	Prohibilion of certain Act in connection with drainage, elc.	Five hundred rupees	Fifty rupees.

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(Schedule VI.)

Section and sub- scclion, Clausc or proviso	Subjcct	Fine or imprison men l which may be imposed	Daily line which may be imposed.
I	2	3	4
Scclion 320, scclion sub-(1).	Prollibilian of eicculion of any work relating (0 house conncction by persons olher lhan licenced plumber.	Five hundred rupees	Thirty rupees.
Section 320, seciion suh-(5),	Prohihiiion or licenced pi umber dc man ding or receiving more lhan prescribed charge.	Seven hundred and lifty rupees.	
Scclion 320, suh-section(S).	Prohibition of licensed plumber infringing rules, exccming work carelessly or ncgliucnlly. or using bad materials, appliances or fillings.	One thousand rupees	
Scclion 330. scclion sub-(2).	Failure **I**D remove or deposil solid waMcinUic manner directed.	Five hundred rupees	Twenty Five rupees.
Scclion 332, clausc (b).	Failure to deposit rubbish or uffcnsivc mailers lime or al lhc proper place.	five hundred rupees	TWcnly-five rupees.
Scclion 333, clausc	Failure la collect offensive matter clc. lo a dcpol.	Five hundred rupees	Twcniy-Iivc rupees.
Scclion 334, scclion sub-(1).	Fni 1 u re lo provi d e space for ic mporn ry de posit of rubbish, offensive mailers, clc.	Five hundred rupees	Twenly-fivc rupees,
Scclion 334, sub- scclion (4), clausc (b).	Failure to cuusc all rubbish etc. 10 he deposited in public receptacles.	Five hundred rupees	Tiveniy-fivc rupees.
Scclion 336, section sub-{i).	Non compliance wiih lhc order of Municipal Commissioner 10 convert service privies to sanitary lairines,	Five hundred rupees	TWcnly-five rupees.
Section 336. scclion sub-(i).	Depositing or causing ar permitting lo be deposited or throwing solid waste on public sireel clc., in conlmvenlion of the provisions of lhe Aci.	Five hundred rupees	TWeniy-fivc rupees.
Scction 336, scction sub-(2).	Depositing building rubbish on public street eic. otherwise than in conformiiy with the condiiions of prior permission of lhc Municipal Commissioner.	Five hundred rupees	Twenty-five rupees.
Scclion 356	Prohibition or lhc use of vehicular traffic in ccnain public streets.	One thousand rupees	
Scclion 357, scclion xub-(3).	Construction or reconstruction of building or boundary wall withi n lhc regu !ar 1 i nc o T a slice l wilhoui proper permission.	One hundred rupees	
Seciion 358, scclion sub-(1).	Selling back of buildings to be repaired, rebuilt or pulled down wiihin the regular line of the	Dnc thousand rupees	

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EMPOWERING LEGAL CLARITY

Scclion and subsection. Clause or "proviso	Subjcci	uprisonment which may be imposed	Daily fine which may be imposed.
1	2	3	*4*
Scclion 360. scclion (1). 5ub-	Selling forward of buildings in rear of" lhe regular line of (lie street al ihc time of repair, alteration or rebuilding.	iand rupees	
Scclion 364	Utilization or sale of land Tor construction (if buildings wilhoul provision Car streets giving access lo ihe site,	iand rupees	
Scclion 365. seclion (5). sub-	Ulili/.alion or disposal or land or layout or miking of any new slice! wilhoul nrolhcrwise lhan in conformity v<-ith the orders of the Mayor-in-Council.	iand rupees	
Section 365. seclion (6). sub-	Registration of sale deed or any land wilhoul sanction of lay out plans.	iand rupees	
Scclion 369. seclion (2). sub-	Structure or fixture crccicd in from of a building in contravention of the Acl,	iand rupees	Fifty rupees.
Scclion 370	Door, gale, bar or window on Ihc ground floor opening out words on a slreel.	iand rupees.	Fifty rupees.
Scclion 371. section (1). sub-	Erection cf wall, fence or any slruclurc on fixture in or upon any street open channel, drain well or lank, clc.	iand rupees	
Scclion 373, seclion (1). sub-	Removal of wall, fence etc. constructed in contravention of the Acl by owners or occupiers of contiguous buildings.	ired rupees	Fifty rupees.
Section 375. scclion (2). sub-	Hilling in awl re-in statement of ground in any public place.	ired rupees.	Fifty rupees.
Scclion 376, scclion (4). sub-	Removal, wilhoul permission, or fixtures set up during [he construction or repair of roads.	iand rupees	
Scclion 377	Opening of breaking up nr any slreet. depositing building malcrials ihcrc on and selling up of scaffold or any temporary structure without permission.	iand rupees	
Scclion 37B, scclion (2). sub-	Fencing and guarding of si nee is.	sund rupees	Fifty rupees.
Scclion 3RD, sub- scclion (2).	Removal of bar. chain, or posl from a Mrcel One thousand rupees wholly or partly closc lo traffic and inftinsemcniof order prohibi ling traffic.		

(Schedule VI.)

Seciion and sub- scclion, Clausc or proviso	Sub jeel	Fine or imprisonment which may be imposed	Daily fine which may be imposed.
1	2	3	4
See Li on 385, sub- scclion (1). clausc (c)	Requisition on owner to pul up number or sub- number on premises.	Firiy rupees	Five rupee*.
Scclion 385. scclion sub- (3),	Removal. alteration orde l.'icc me n l of mi mbers or sub-numbers of slrccls:	Five hundred rupees	
Scction 386, scction suh- (1).	Repair, protection or enclosure lo placcs dangerous or causing inconvenience lo passengers along a sired.	Five hundred rupees	Twenty-five rupees.
Scclion 388, scclion sub- ^1),	Breaking or damage to lamps or appurtenance to lamps.	Five hundred rupees	
Scclioo 3 KH. scclion sub- (2),	Wilful or negligent extinction ^flights	Five hundred rupees.	
Scclion 392	Unauthorised erection of a building	Two thousand and five hundred rupees or six months imprisonment or bath.	One hundred rupees per square mclerc.
Section 3 *99*	Cowinuuncc ul construe lion or buildings or c.vccuiion of work bcyo rid thi? period spccificd in sanction.	One thousand rupees	One hundred rupees per square mctcre.
Scction 403, section sub- (2),	Occupation or Lice or any completed building wilhoui permission.	Five hundred rupees.	Twenty-five rupees.
Scction 4D5, scclion sub- *(2),*	Alteration of buildings for satisfying condiiions.	One thousand rupees.	T\venly-fivc rupees.
Scclion 407. scclion sub- (1)	Construction or reconstruction of roof, verandah, clc. willi inflammable materials wilhoui permission.	One thousand rupees	
Scclion 408, seciion suh- (4),	Erection or rc-ercction of building in contravention of declaration.	Two thousand and five hundred rupees or six months, imprisonment or both.	One hundred rupees per square met ere.
Scclion 409	Stoppage of cxcaval ion or a ny othc r ope rat io n for the purpose of construction of ;i building.	One thousand rupees	One hundred rupees.
Scclion 410	Alteration to existing building for promoting public or occupier's convenience.	One thousand rupees	One hundred rupees.
Scclion 4 11, seciion sub- (E).	Requisition on owners or occupiers to demolish, repjir or seen rebuilding in a ruinous condition.	One thousand rupees	One hundred rupees.

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EMPOWERING LEGAL CLARITY

(Schedule VI.)

COURT BOOK
EMPOWERING LEGAL CLARITY

Scclion and sub- scclion. Clause or proviso 1	Subjcci 7	Fine or imprisonment which may be imposed 3	Daily fine which may be imposed. 4
Section 411, section sub-(2),	Rcquisilion on owners or occupiers lo set up hoard or fcncc.	One thousand rupees	One hundred rupees.
Scciion 4 17. scclion sub-(5).	Prohibilion of Ihc use of premises in spccificd areas Tor spccificd purposes.	Two thousand and five hundred rupees or six months, imprisonment or both.	Two hundred rupees.
Scclion 4 IS. scclion sub-(1).	Establishing hospital, nursing home, etc. wilhoul permission or running the same otherwise than in conformity with the condi lions.	Two thousand and live hundred rupees ior six months, imprisonment or both.	Two hundred rupees.
Seclion 419, scciion sub-(1),	Establishing a factory wilhoul permission or running the same otherwise than in conformity widi ihc conditions.	Five thousand rupees or six months' imprisonmeni or both.	1\vo hundred rupees.
Scclion 420, scclion sub-(1).	Altering, enlarging or extending warehouse clc. wilhoul permission.	Five thousand rupees or six months' imprisonment or both.	Two hundred rupees,
Scclion 421, scclion sub-(1)	Using nr permitting eating houses elc. wilhoul pcemission or running the same otherwise lhan in conformity wilh theor permission.	Two Ihousand and five hundred rupees six months' imprisonment or bo ill.	Two hundred rupees.
Scclion 422, scclion sub-(1).	Using or permitting theatres, circuses, etc. without permission or running the same otherwise lhan in conformity wilh permission.	One thousand rupees	One hundred rupees.
Scclion 423, scclion sub-(1).	Opening shops, markets, clc. in certain areas prohibited to be opened.	Five Ihousand rupees crsix months' imprisonmeni or both.	T\vo hundred rupees.
Scclion 427. scclion sub-(1).	Sale in municipal market wilhoul pennission,	One hundred rupees	
Scclion 428, scclion sub-(1),	Establishing new private market without sanction. ' "	Five thousand rupees or sis months' imprisonmeni or both.	TWo hundred and fifty rupees.
Seclion 428, scclion sub-(2).	Using placc as a slaughter house oulsidc mu n ic ipal si aug hlc r house. '	Five ihousand rupees or six months' imprisonment or bolh.	Two hundred and Fifty rupees.
Scclion 423. scclion sub-(3).	Failure U) provide Approach Road.	Five ihousand rupees or six months' imprisonmeni or bolh.	Fifty rupees.
Scclion 429. sub- **Mrclmn f IV**	Carrying tin busings or irade wilhin a radius of fonv-fivc nielcrs of a mLinicin:il msirkcl.	Two hundred and fifty nincc-v	Ten rupees.

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EMPOWERING LEGAL CLARITY

Scclion and sub- scclion, Clausc or proviso	Subjeci	l'ine or Imprisonment which may be imposed	Daily fine which may be imposed.
1			
Section 435. subsection (1),	Scclion 468	Non-registration or placc for disposal of the dead and depositing of plan in Municipal Office,	
Seciion 437. sub-jection (1).	Scction 469	Opening of new place for disposal of lhc dead without permission.	
Section 438	Section 471 Premises used for purposes other than residential withoul permission.	Non-compliance ivith the order or closer of burning and burial grounds.	-
Scclion 439	Keeping open any markel which is prohibited	Committing acts prohibited in connection willi llic disposal of the dead.	
Scction 440		Failure lo convey carcass to a place provided or give notice of death to Municipal Commissioner.	
Scciion 442	Selling goods in a prohibited market	Failure to give information of the existence of dangerous disease.	
Scction 456	Hawking or selling goods otherwise Ulan in conformity with the icrms of the licence.	Five hundred rupees. Five hundred rupees	
Scclion 458	Prohibition forselling of flesh, lishorpoultiy without liccncc.	Two hundred and fifly rupees.	
Section 462	Requisition to owner of building requiring returns on lands or building, clc,	Two hundred and fifty rupees.	
Scction 464. subsection (1).	Failure of information of binh		
Section 465, sub- scclion (2).	Failure of information of death		

	One hundred rupees.		Five hundred rupees.
		One thousand rupees One thousand rupees Five	
	One thousand rupees.	hundred rupees.	
Scction 474, sub- Failure to disinfect building, lank, pool orwcll. scclion (0.		Five hundred rupees.	Fifly rupees.
			Five thousand rupees or six TWo hundred months' imprisonment or rupees. both.
			Two thousand and five Two hundred hundred rupees or six rupees, months" imprisonment or both.
			Two hundred and fifty Ten rupees, rupees.
			Two hundred and fifty Ten rupees, rupees.
			Twenty five rupees.
			Fifly rupees.
			One hundred rupees.
			One hundred rupees.
			One hundred rupees.

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{Schedule VI.)

Scclion and sub- scclion. Clause or proviso 1	Subjeel 2	Fine or imprisonmeni which may be imposed 3	Daily fine which may be imposed. 4
Scclion <174, seclion (2). sub-	Failure lo vacate aficr requisition.	Five hundred rupees.	Fifty rupees.
Scclion 475	Failure lo dcslruy infectious fiuLs or sheds.	Five hundred rupees.	Fifty rupees.
Scclion 470	Using lodging and caling houses directed lo be closed.	One Ihousand rupees	One hundred rupees,
Scclion 477	Selling articles of food o; drink restricted or prohibited.	One ihousand rupee.?.	One hundred rupees,
Scclion 478, sub- scclion (1), clau.sc (b).	Failure lo take steps as directed willi regard lo well, lank or place.	One Ihousand rupees.	One hundred rupees.
Seclion 480, sub- scclion (1). clausc (b)	Removal of infectious corps for purpose other lhan the purpose of being burnt or buried.	One thousand rupees.	One hundred rupees.
Scclion 481, .scclion sub- (2).	Washing ariiclcs of elolhing, bedding and conveyance and olhcr ariiclcs in placc m)i notified.	One ihousand rupees.	One hundred rupees,
Seclion 482, scclion suh- (2).	Carrying infectious person or dead body in public convcyancc.	One thousand rupees.	One hundred rupees.
Scclion 483. scclion sub- (1).	Failure lo give informalion of number of infcclcd convcyancc.	One ihousand rupees.	One hundred rupees.
Seclion 483. scclion sub- (2).	Failure (o report lo ihc Municipal Commissioner in carrying any person or corpsc suffering from dangerous disease.	Two hundred and fifty rupees.	
Scclion 483, scclion sub- (3).	Using infcclcd public convcyancc	Five hundred rupee;	
Scclion 485, scclion sub- (1).	Letting out infccted premises	One ihousand rupees.	
Scclion 486, scclion sub- (1).	Giving, lending, selling, elc. of premises wilhoul being disinfected.	One ihousand rupees.	
Scclion 487, scclion sub- (1).	Sending infcclcd cloihes io laundry	Five hundred rupees.	
Scclion 487, scclion sub- (2),	Failure lo furnish ihc name of laundry	One hundred rupees.	
Seclion 488	Infected person making or selling food, clc. or	Five hundred rupees.	

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COURT BOOK
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Scction and bisection. Clause or provi so 1	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed.
Section 439 Scclion 492	Section 500	Requisition lo owner or occupicr or land or building directing filling up clc. of unwholesome wells, pools, clc.	
Section 493	Scclion 501	Failure lo maintain land effectively lo prevent breeding of mosquitoes.	
Scction 494	Scction 502 Exposing dangerous disease in public		
Scclion 495. sub- scclion (1).	Requisition lo owner or occupicr of any building directing cleansing and lime washing or building Tor sanitary reason.	Requisition to owner or occupicr ofland where unlawful excavations are carried oul.	
Scclion 495, sub- scclion (3).	Requisition lo owner or occupicr or huls and sheds or owner of the land lo remove or aller the same Tor improvement and sanitary reason.	Requisition to owner or occupier of land requiring irees, hedges, clc. lo be trimmed.	
Scclion 495, sub- scclion (5).	Requisition to owner or persons claiming as owner Tor cleansing of untenanted premises.	Unlawful use of placcs for public bathing etc	
Scclion 496, sub- scclion (I).	Requisition lo owner or occupier lo prohibit use or building or rooms in buildings unfil for human habitation.	Prohibition of balhing etc. conlnry lo order	
Scclion 496, subsection (2).	Requisition to owner or occupicr lo render building or mom fit for human habitation on such modifications and altera lions as may be instructed.	Five hundred rupees Five hundred rupees	
Scclion 497. sub- scclion (3).			
Scction 498, sub- scclion (1).	Owner of building, lhc use of which is prohibited lo prevent nuisance and keep lhe building or room clean and wholesome.	Five hundred rupees	
Scclion 499	Prohibition of pollution of waler by sleeping therein Diiimal or Olher mailer elc.	One thousand rupees	
	Prohibition of pollution of water by chemicals elc.	Two thousand and five hundred rupees or six minlhs' imprisonment or both.	

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[illegible]	[illegible]
One thousand rupees.	
One thousand rupees	
One thousand rupees	
One thousand rupees	T\vc nly-flve rupees.
One thousand rupees	Fifly rupees.
One thousand rupees	
Five hundred rupees	Twenty rupees.
Two hundred rupees hive	One hundred rupees.
hundred rupees	One hundred rupees.
	One hundred rupees.
	One hundred rupees.
	One hundred rupees.
	One hundred rupees,
	Fifly rupees.
	Fiflccn rupees.
	TXvcnty-fivc rupees.
	One hundred rupees.
	*f\vo hundred rupees.

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SCHEDULE VII

(See **seclion 633.)**

Modification of the '[Kolkata] Municipal Act, 1923, as extended to the Municipality of Howrah

Hen. Act **ill** of 1923. **In lhe '[Kolkaia] Municipal Act, 1923, as extended** Lo **the Municipality of Howrah.—**

(a) section 127 shall be renumbered as sub-section (I) of thai section and after sub-section (1) as so renumbered, Lhe following sub-section shall be inserted ;—

"(2) The value of any plant or machinery excepling those enumerated in Schedule VIA or furniture which may be on any land or in any building shall nol 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 Lo **whether any parts ofa plant or a combination of plant and machinery should be included in estimating the annual value of any land or building as coming within the enumeration in Schedule VIA, the Commissioners at a meeiing may, of their own motion or ai the request of the owner or the occupier of such land or such building, refer the dispute lo a reference named in a panel of reference appointed by the Slate Government in this behalf;**

(b) the referee shall thereupon decide the dispute after giving Lhe **Commissioners,** the **owner and the occupicr an opportunity of being heard, and** after **considering the facts and circumstances of the case and, if necessary, after inspection** or the **plant or machinery, and the decision** of Lhe **referee shall** be **final and conclusive;**

(c) the cosL of the reference shall be borne by the Commissioners and the **owner or both** Lhe **owner and the occupier in such proportion as the referee may direct.";**

(d) in seclion 189, after sub-seciion (3), the following sub-section and *Explanation* **shall be inserted :—**

"(4) If the amounl for which any bill has been presented under this section is paid within seven days from such presentation into the municipal office or lo a municipal officer appointed Lo **receive lhe same, a rebate of three and one-eighth** *percent* **of such amounl shall be allowed to lhe payer.**

'See root-note 2 of page 573. *ante.*

Explanation.—**Wilhoul prejudice lo lhe provisions or scclion 504, a bill shall be deemed lo be presented under lhis seclion ifilisseiuby post under certificate of posting to lhe person liable and in such ease lhe date borne on such certificate or posting shall be deemed to be the date of presentation or the bill to the person liable.";**

■(c) after seclion 190, lhe following section shall be inserted:—

I90A. Notwithstanding anything lo ihc contrary contained in lhis Chapter, if a person liable for [1] [properly lax] in respect of any premises, pays wilhin 30th September, 1978, the entire outstanding amount on account of such consolidated rate due up lo 31st March, 1977, a special rebate or —

"Gram of spccial rebale for payment oF ouls Landing dues wilhin Sepi ember, 1978.

(i) fifteen *per cent,* **of such outstanding amounl Tor the premises used wholly for residential purpose, and**

(ii) seven and a half *per cent* **of such outstanding amounl for lhe premises used wholly or partly for purposes other lhan residential, shall be allowed to such person.":**

(d) after clause (xiii) or section 477, lhe following clause shall be inserted and shall be deemed always to have been inserted;—

"(xiiia) lhe payment of grants to colleges or other educational institutions; imparling higher education:

Provided lhat after the commencement of the Calculla Municipal (Second Amendment) Act, 19G4, no such grant shall be made wilhoul lhe previous approval of the Slale Government;";

(e) in Schedule VI, in paragraph 1,—

(i) all enlries against lhe items bearing serial Nos. 46 and 73 shall be omitted and shall be deemed lo have been omitted as from the 1st day of April, 1951,

(ii) in entries against Ihe ilem bearing serial No. 80D, for the words "Dyer or cleaner, order supplier", the words "Order supplier" shall be substituted and shall be deemed always Lo **have been substituted;**

(f) after Schedule VI, the following Schedule shall be inserted:—

foot-note 2 of pjgc 633< *ante*.

LIX or 1980.]

"SCHEDULE VIA

[See section 127(2).] .

Parts of plant or of combination ofplant and machinery in certain cases not to be excluded in calculating the-annual value of any land or building.

The following pans ofa planl or combination of pi aru and machinery whenever and only Lo such extent as any sucli part is, or is in lhe 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,
Coolirg,
V. . - **Dyeing,**
Dust or fume Collecting,
Fibre separation (Wool Carbonising), "
Fuming,
^ i Impregnating, .
• Refrigerating,
Sandblasting,
.. Sterilising,
Sulphuric Acid,
Chimneys,
Cooking ovens;
Condensers and Scrubbers- Acid,
Alkali,
Gas,
Oil,
; i Tar;
; - \ Conveyor Gantries;
' Colling Ponds;
ne Gran tries;

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Fan Drifts;
Floating Docks and Pontoons with any Bridges or Gangways nol of a temporary nature used in connection therewith;
Flues; . . .
Flumes and Conduits;
Foundations, Settings, Gantries, Supports, Ptaiforms 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,
CooJing,
Drop,
Inspecting or Tcsting,
Liming, Soaking, Tanning, or other treatment. Settling;
Rack;
Refuse, Destructors and Incinerators;
Reslorts;
Ship Construction and Repair—
Cradles,
Grids,
Slipways,
Uprights;
Silos;
Stages, Staithes and Platforms for loading, unloading ai\d 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.".

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'SCHEDULE VIII

[See **section 174(4A).]**

Parts i>r plant or of combination of plant and machinery In certain eases not to be excluded in calculating the annual value of any land or building

The following parts of a plain or combination of plant and machinery whenever and only to such exlem as any such part is, or is in (he 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),

Fuming,

Impregnating,

Refrigerating,

Sandblasling,

Sterilising,

■ **Sulphuric Acid,**

Chimneys,

Cooking Ovens;

Condensers and Scrubbers—

Acid,

Alkali,

Gas,

Oil,

Tar;

'Schedule VIII was added by s. 21 of lhe Calculla Municipal Corporation (Amendmenl) Aci, 19S3 (Wesl Ben. Acl XXXII of 1983}.

[West Ben. Act

Conveyor Gantries:

Coolie Poulk;

Crane Grannies;

Cupolas:

Economises;

Elevators and Hoists;

Evaporalers:

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, Sellings, Gantries, Supports, Platforms and Stagings for plant and machinery;

Gas— '

Holders,

Producers and Generators,

Purifiers and Cleanser;; "

Head Gear—

Mine, Quarry and Pit,

Hydraulic Accumulators,

Well;

Pits, Beds and Bays—

Casting,

Cooling,

Drop,

Inspecting or Testing,

Liming, Soaking, Tanning, or oiher treatment, settling;

Rack;

Refuse, Destructors and Incinerators;

Restorts;

Ship Construction and Repair—

Cradles,

Grids,

Slipways,

Uprights;

Silos;

Stages, Staithcs and PlaLforms for loading, unloading and handling materials;

COURT BOOK
EMPOWERING LEGAL CLARITY

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GOVERNMENT OF WEST BENGAL LAW DEPARTMENT

Legislative

West Bengal Act XXIII of 2000

THE CALCUTTA MUNICIPAL CORPORATION (AMENDMENT) ACT, 2000.

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ENGINEERING LEGAL CLARITY

[Passed by the West j5i.vi.ga/ Legislature.]

[Asseru of the Governor was first published in the *Calcutta Gazette, Extraordinary,* **of lhe 25th August, 2000.]**

\25th August, 2000.]

An Act to amend the Calcutta Municipal Corporation Aci, 1980.'

WHERIIAS it is expedient to amend [he Calcutta Municipal Corporation Act, 1980, for lhe purposes and in the manner hereinafter appearing;

It is hereby enacted in the Fifty-first Year of lhe Republic of India, by the Legislature of West Bengal, as follows:—

Wcsl Ben. Aci LIX of l98D.

1. (1) This Act may be callcd lhe Calcutta Municipal Corporation (Amendment) Act, 2000.

(2) It shall come inlo force on such dale as the Slale Government may, by notification in the *Official Gazette,* **appoint.**

Short liUc and commence-ment.

2. In section 2 of lhe Calcutta Municipal Corporation Acl, 1980 (he re in after referred to as iheprincipal Act), afterclause(6I), the following clause shall be inserted:—

'(61 A) "office-bearer" means the Mayor, the Chairman, lhe Deputy Mayor, or a member of the Mayor-in- Council;'.

Amendment of scclion 2 of Wesl Ben. Acl LIX of 1980.

3. In seciion 61A of the principal Acl,—

(1) in sub-secLion (1),-—■

(a) in clause (a), after sub-clause (i), lhe following subclause shall be inserted:—

"(iA) joined another recognised political party, or";

Amendment of seciion 61A.

[West Ben. Act XXm of 2000.]

(Section 3.)

(b) in clause (b),—

(i) For the words "he is an elected Councillor set up by a recognised political party", lhe words "he is an elected Councillornot set up by a recognised political party" shall be substituted, and

(ii) in the second proviso, for the words, figures, letter and brackets "referred to in sub-clause (ii) of clause (a)", the words, Figures, letters and brackets . "referred lo in sub-clause (iA), or sub-clause (ii), of clause (a)" shall be substituted;

(2) in clause (a) of sub-section (7), after sub-clause (i), the following sub-clause shall be inserted:— "(iA) joined another recognised political party, or".

't-'arStiiicmcniorObjccls and Reasons.the *Calcutta Gazette, Extraordinary.* Pan IV of lite 5lh September, 1979, page 1938: for reporl of lite Sclcct Commntec. nc lite report of that Cnmm'uice presented before ihe Assembly on iltc29'Jt April. 19Sf>. far proceeding of lite **WCM** Uengal Legislative Assembly, w iJtc procee dings of ihe nt stings of (I tat Assembly iin (he IHtlt September. 1979. 29lh April, « 30lh April, 19S0 and 6tit May, 19K0.

[1] Clause (2) was oinillcd by s. 2 otlhc CalculUi Municipal Corporation (Amendment) Acl, iy9f><WcsL Ben. Acl VI or 1996).

'Clause (5) was substituted Tor Die original by s, 2(1) of the Calcutta Municipal Corporation (Second Amendment) Act. J [c]J!v! (West Ben. Acl XIII oT 1984).

'Sri' fpol-nutc 2 on payc 573. *wile.*

'Clause (10) wius ummcd by s. 2 of the Calcutta Municipal Corporation (Amendment) Act, (99ft (West Ben, Acl VI of 1996).

9. A member of the Mayor-in-Conncil other lhan the Mayor shall hold office untilð

(u) lie ceases Lo be a member of the Corporation, or

(b) he resigns his officc by writing under his hand addressed (o theMayorin which ease 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) (he Mayor ceases lo hold officc under the provisions of section 7, or

(e) in case of the death of [he Mayor a newly electcd Mayor

y' i,:Ă^rr: ...

(5) The manner of submission or resignation by the Chairman or by other member, and ihemanneroffilling up ofa 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 anil the rules and the regulations made thereunder, it shall be theduty of Ihe Municipal Accounts Committeeð

(a) to examine the accounts of Ihe Corporation showing the appropriation or sums grunted by the Corporation Tor its expenditure and the annual financial accounts of the Corporation;

(b) Lo examine and scrutinize Ihe report on the accounis of the Corporation by Lhe auditors appointed under sect ion [60 and to satisfy itself that the moneys shown in Lhe accounts as having been disbursed were available Tor, and applicable to, lhe services or purposes to which Lhey were applied or chargcd and that the expenditure was incurred in accordance with ihe authority governing the same;

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

'Section 11A w:is inserted by s. 4(4) of the Wcsl Bengal Municipal Corporation Laws (Third Amendment) Acl, 1994 (West

Ben. Act XXXVI or 1004).

The words wilhin the square brackets were substituted for the words "the State Government mny by notification determine." by s. 4 of lhe Calcutta Municipal Corporation (Amendment) Acl, 2001 (Wcsi Ben. Acl VIT1 of 2001).

[J]The words wilhin the square brackets were substituted for ihe word "prescribed[11] by s. 2 or ihe Caluuiia Municipal Corporation (Amendment) Act, 1988 (Wetl Ben. Acl XXI of 19RS).

'Scclinn 27 was renumbered as sub-section (1) of that section and after sub-scclian (I) as do renumbered, suh-scclion (2) was inserted by s 4 of ihcCalcuua Municipal Corponiloin (Amendment) Acl. 1988 (Wcsl Ben. Ael XXI or 198B),

y'The words wilhin the square brackets were ins cried by s6(J) of ihe Calcutta Municipal Corporaiion (Amendment) Acl. 2001 (West Ben. Acl V]J] of 20U1).

'The words wilhin Lhe square brackets were inserted by *s* 6(2). *ibid.*

'The proposed amendments, enacted by s. 9 of lhe Calcutta Municipal Corporalion (Amendment) Acl, 1996 (Wcsl Ben. Acl VI of 1996). lo clauses (a) and (b) of sub-sec I ion (1) of section *44* of ihe original Acl arc nol coircci. Those amendment were perhaps made in , order lo substitute lhe wrong amendments promulgated, through inadvertoncc, by lhe

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'The words, in I he heading, "and Aldermen" were omilied by s. of the West Bengal Municipal Corpctalion Law.s (Third Amend mom) Acl. 1994 (West Ben. Acl XXXVI of 1994).

Tlic word[1]) ^-'ilhi n ihe squiucbrjckcis were subs mined for lhe words'Wrr/o/M, *CouuciUors and Alcitnnt'ii. elc."* by 5. 5(1) of (hi Calcutta Municipal Corporation (Amendment) Act, 1997 (West Bfn, Acl XXVJ of 1997).

'Sccumn' SO' was substituted for the previous seclion by s. 4(6)(b) 1)1 ihe Wcsl Bengal Municipal Corporation Laws {Third Amendment) Acl, 1994 (Weil Ben. Acl XXXVI or 1994). Prior lo this substitution there occurred following changes in the original section, namely:ð

(i) a proviso was added by s. 5 or the Calculi a Municipal Corporation {Amendment) Acl, 1983 (West Ben. Acl XXXII of J9S3), and ihe same was lalcr substituted by v 2 oT the Calcutta Municipal Corporation (Second Amendment) Act, 1989 (Wcsl Ben. Act XXXI of 1989).

[1] ***See*** foot-noic 2 on page 573. ***ante.***

'Section 61A was inserted by s. 5(2) or the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Acl XXVI of 1997).

[2]Sub-cIause (iA) was inserted by s. 3(I)(a) or lhe Calcutta Municipal Corporation (Amendment) Acl, 2000 (Wcsl Ben. Act XX111 of 2000).

'The words within the square brackets were substituted for llic words "he is an clcctcd Councillor scl up by a rccogniscd political party" by s. 3(l)(b)(i), ***ibid.***

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'The words, figures, tellers and brackets within the square brackets wen: substituted for lhe words, figures, teller and brackets "referred to in sub-clause (ii) of clause (a)" by s, 3(l)(b)(ii) of lhc CnlcMlu Municipal Corporation (Amendment) Act, 2000 (Wesl Ben.
Act XXI11 of 2000).

[West Ben. Act XXm of 2000.]

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'The words, in lhe marginal nole, "and Alderman" were omillcd by s. 4 (8) (a) oflhe Wcsl Bengal Municipal Corporalion Laws (Third Amen dm en l) Acl, 1994 (Wesl Ben. Acl XXX VI of 1994).

The words "or Alderman" were omilied by s, 4(8)(b). *ibid.*

JThc words "or Alderman" were omilied by s. <l(S}(c)(i), *ibid.*

[*Sec* foot-note 2 on page 573, ante.

[West Ben. Act XXm of 2000.]

HTic words "or an Alderman" were omiiicd by 4{9)(a) of the **W**csL Bengal Municipal Cnn>orniion Laws rThird Amendment Acr 1094 fVVe-ci Rrn An XXXVT nf IQQ41

'The words "or Alderman" were omitted by s, 4(11) of lhc Wcsl Bengal Municipal Corpora lion La W5 (Third Aniendmcni) Act, 1994 (Wcsl Ben. Acl XXXVJ of 1994).

n*hc words "or Alderman" were omilied by s. 4(12), *itriiL*

**See* foot-n Die 2 on page 573 , *a»h*\

[West Ben. Act XXm of 2000.]

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"flic word wiihin the sqimn: brackcis **W;I**\ subsliluled for Lhc word "supersede" by s.-)(l4)(d)(i) of Liu: Wesl Bengal Municipal Corpiiralinn Laws (Third A mend mum) AcL,

I[l]J!M {Wesl Bun. Acl XXXVI or IWI. .

-The words wiihin lhc square bracks 15 were suhslirulud Tor lhc word "twelve months" by s. 4 of Ac(ia)(ii), *ibid.*

, 'Sub-scclion (5) was subslilulcd for lhe original suh section by s. -1(14Ho), *ibid.*

"Tile weird w iihin lhe sqijjrc hraekels. in lhe marginal nole. was subsliluled Tor lhe wurd "supersession." hy s, J(15)la), *ibid*

'The word wiihin lhe square brackcis was sulKliluiml for lhe word "supersession"' by

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'The word wilhin the square hmckcis was substituted for llic word 'supersession" by s. 4115)(c) of ihe Wcsl Hcr>^.11 Municipal Corporation Laws {Third Amcndmenl) Acl. 1994 (Wcsl Ben. Acl XX XIV of I'M-I).

-Sub-section (2) was suhstiluled Tor Ihe original by s. 7 of ihe Calculli Municipal Corporation (Amendment) Acl. 2001 (WeM Ben. Act Vlll of 2001).

'Set' [001 note 2 on page 372 ante

[West Ben. Act XXm of 2000.]

[The words wiihin llu! square brackets wen; substituted Tor llic words "consolidated rale" by;,. 2 of llic Calcutta Municipal Corporalion (Amendment) Acl, 2tH)l [Wesl Ben. Acl Vlll of 20011.

(3) Profit or loss, ir any, arising from the investment as aforesaid shall he credited or dcbilcd, as lhe case may be. to the account to which such profit or loss relates.

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[l]*See* fool-iiiMo 2 oil pa^c 577. *utile.*

[l]*Sec* fooi-**NOTL**[L] 2 *on* pngu 573, *ante.*

[l]*See* fooi-noit: 2 un page 63^ *ante.*

fooi-noic ***2*** »n 573. unit.

[West Ben. Act XXm of 2000.]

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[1] .SVrI:>0'-11;>te ***2.*** on p***t i ^ I I I I, "***

[2]section I73A wis inserted bv s. 6 or Calcuua Municipal Corporation (Amendment) An. 1997 (Wcsl Ben. Acl XXVI o'f 1997)

Si,' I o ,) (2 o n p .) ' " . J 6 3 3 . *mile.*

This proviso ivas added by > 7(.D of (hi; Calcutta Municipal Corporation (Amendment) Acl. 1997 (Wu.iL Ben. Acl XXVI 19<J7|.

Thi: words wilhin the square brackets were substituted forthe words "Provided that" by y's. 7(2), *dud.*

'The wards wilhin the square bracVcli were substirued for Ihe words "Provided further thai" by v 7(3J. *ibid.*

"Set' fr>ol-»ttte 2 on pngc 571. *imte.*

'The words. brackets anil figures wiihin lhc square brackcls were inserted by v I KDof llie Calcutta Municipal Corporation (Second Amendment) Acl I y K-l (Wcsl Ben. Acl Xlll of I9R.I).

[2]Tlic words wiihin llic square brackcls were subslilulcd for lhc wont"Mayor-in-Council" by s. I l(2)(a). ***ihitl.***

'The words "or ponion (hereof were online J hy s, 11(2) (b). ***ibid.***

[3]Ci;ui5C (it was subslilulcd Tor The nripinnl clausc by s. H of (he Calcutta Municipal Corporaliim (Amendment) Acl. 1997 (Wcsl Gen. Acl XXVI of 1997).

he words wiihin llie .square bracks In were subsliluted for llic words "when il is" by s.

[4]T! ic uu rd s w i i h i n i he sq u are brae keis we re i nse ncd by s, f>(I) (a) o f il ic Ca! cu ua Municipal Comoraiion (Amendment) Acl, I9SS (Wcsl Hen. Acl XXI nf I9RSJ.

-See fooj-noic 2 on page 633. ***nine,***

"y'ITn; wards within I lie square brackcls were substituted for lhc words "by a written nolice," h) s, fi(2Kl)(b) of lhe Colcutia Municipal Corp oral ion (Amendment) Acl. [1]J88 (Wesl lien. Acl XXI cif l98K),

'The words wiihin lhe .square brackcls were substituted for the words "by a written notice," by s, 6(2)(n). *ihitl.*

[2]l'he words within ihe square bmclcis were inserted by s. 6(2)(b), *ibid.*

"The words within the square brackets were substituted for (be words "on whom any nolice is served" by s. 6(3). *ibitt.*

\Sub-scciion (J) was omiltcd by s. 12(a) of lhe Calcutta Municipal Corporation

) os 1 (\v><F Hen ir Y YY|[nf I

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'Sub-scclion (6) was omitted by s. 12(b) of I he Calculla Municipal Corporaiion (Amendment) Act. !i)83 (West Ben. Acl XXXtl of 1983).

Äiff fool-nolii 2 on page 633, *tinle.*

'Provisos were omitled by s. 12 of the Calcutta Municipal Corporaiion (Second Amendment) Acl. **198**-1 (Wcм Ben. Aci Xlll of **198-1).**

[West Ben. Act XXm of 2000.]

'The third proviso was omitted by s. 13 of the Calcutta Municipal Corporaiion (Amendment) Aci. 1983 (Wcsl Ben. Ael'XXXH of 1983).

'Seclion I82A was inserted by s. 13 of ihe Calculla Municipal Corporaiion (Sccond Amendment) Acl, 198-1 (West Ben. Acl Xlll of 1984). Thereafter ihe same section was substituted hy s. 11 of the Calculla Municipal Corporation (Amendment) Act. 1996 (West Ren. Acl VI of 1996).

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*'**S**t**c** foul-mile 2 on pnijt 633, untc.*

'W fool-nolo 2 on page 033, *mile.*

-Thi: words within ihu square br-JL-keIs were inserted by s.7(l)ufihy Oilculla Municipal CiiTioralion (Amendment) Aft, 1188 (West Ben Acl XX! of 1988),

[West Ben. Act XXm of 2000.]

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'The words "in such I'omi and in such manner as may be pnecrbcd" were omitted by v 7(2) ḋTlhe Calcutta Municipal Corporaiion (Amendment) Acl. I9K8 (Wcsl Ben.Acl XXt of I'JSsi,

ˈP:uviso was added by \ 12 of 111.: Calcutta Municipal Corporation (Amendment) Acl.

[West Ben. Act XXm of 2000.]

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[1]*Exphtfusium* was .added by s. H of lhc Calcuun Municipal Corporalion (Amendingm} Acl, IOSS aVV'M Btn. Act XXI of 19S&).

[2]Thc words, brackets and figures wiihin the square brnekcis were substituted for lhe words, braced* and figures "sub-scclion (0 ofsceiion 18-1 orany rev toon made undcrsub- secliwi (2) of ticciiun 180" by s. M of lhc Calcutta Municipal Corporation (Second Amendment) **Acl I9K4** (Wcsl Ben. Acl Xlll of **I9K4**).

[West Ben. Act XXm of 2000.]

'iVc? fool-nole 2 on paj:c 6,19: tutle.

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"Proviso was added to sub-scclion (2) by s. 11 of lhc Calcutta Municipal Corporation (Amendment) **A**CL lyEK (W^l Bcn.Aet XXI of I9HB). Thereafter, the prescni provisos were substituted for the previous proviso by s. 13(a) of the Calcutta Municipal Corporation (Amendment) AcL **I**9%(W^**SI** Hen. Acl VI nf 1996),

^Sub-section l2A) was inserted by s 13(h),

foot-ncie 2 on page 6**3***f ante.*

[West Ben. Act XXm of 2000.]

^Thc words within the square hnickcts wen; substituted for ihe WMtls, **"the** order" by s. 1I) of the Gileuita Municipal Corporation (Second Amendment) AcL 10iS4 (Wesl Ben. Acl Xlll rf

'.9tv loot-note 2 on page 573. mac.

[l] liuisc ic) ullv inserted by !4(2) of ihiiCakulln Municipal Corporalion (Amendment) A***cl*** I [l]J97 (Wcsi Bui. Acl XXVI r>f mi).

'Scclion 2UKA was inserted by s. IS of llic Calculla Municipal Corporation (Amendment) Acl. 1997 (W**CM** Ben. Acl XXVI or 1997).

-'Cliaplcr X1VA and sections 209A lo 209F were inserted by s. 21 oT lhe Calculla Municipal Corporaiion (Second Amendment) Act. I!>8J (Wcsl Ben. Acl XIII or I9S4).

'Sfe fool-nole 2 on pace 573. ante

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[1] *Set•* To ol-noli; 2 on page 68-1, *twte.* fool-nolo 2 tin page 573, *utile.*

SYi looi-i>ole Jj on p.'.r-i' 6K9. *tinte,*

'Tlti' words. figures and bnd;ei\ witli in itic square brackets were inserted by s. 18(3) uT lilt Calculla Municipal t'rrouiiiion (Amend mini)Acl, 1997 (Wcsl Ben Ac< XXV| of 1997).

[West Ben. Act XXm of 2000.]

[l]Set' Ian i-note 2 or p.igc 633. t in In.

[:]*Sec* ibol-iuiif 2 on page 613. j/f,

[:]CL;uisc ui was subsliluled Tnr ihe original clause by s. 2 of llic Caleun;i Municipal Corporation (Amendment) Ac(, l'J!S6(\Vcsi Ben. Aa XIV of I9R6). Prior to this substitution tile woril.s ln.v fee ur charges" Mere substituted fur lhe words "lax or fee" hy s. 2[1]J of the Calcutta Municipal Corporation (ScLtind Aiiicndnn'rii) Acl. 1984 (Wcsi Ben Acl XIll of 19SJ1.

'iW looi-noic 2 en page 633, wire.

fiviT.nrM^ ^ nn ^7*4 */ m f r*

'.SVe fool-nolc 2 on page .573, mi re,

y['rovi'ii was :iddcd by s. IK of the Cikuua Municipal Corporalion (Ani'iclrk'f'i) Act, 1953 (Wcsl Ucn. Acl XXXII of 19S3}. 'I'licTvafiL-r ihe present provisons were Mihstiiuicd by s. ***2*** nf'.he Calculla Municipal Corporalion (Amen dm en l) Acl. 199-1 (Wcsl lien. Act XXXII of 1994).

[J].Ytv Toot-nolc 2 on pngc fi33, *ante.*

' l hc word", wiihin lhc square brackcls were subslilulcd for ilw word[1]; "lhc size of the I'errulL[1] ait achcd lo lhe supply pipe in such premise.[1], or building" by s. 19(1) (a) oT the Calculla Municipal CuTponliou (Amendment) Acl. [097 (Wcu fieri. Acl XXVI of 1997).

'Fvr>Vl^(7ffOiK ð ? 1n'l /? hv C Klfh'h) j F*r

[l]*Scr* fool-now 3 on page 699, *awe.*

[2]*Scc* fooi-noic 2 on page 573, *ante,*

ÅTliii words within ihc square brackets w^rt: subsii luted for ihe words "standpcihLs or supply" by s- 30 of lhe Cricuiia Municipal CorpoftUion (Sceund Amendment) Act, 1984 (West Ren, Acl XT1I of E984).

'The words within the square brackcls were substituted for die words "olher vehicles:" by s. 3(1) of lhe Calcutta Municipal Corporalion (Amendment) Act, 1994 (West Ben. Act XXXII of 1994). .

[:]Clause (i) was inserted bv s. 3(21. *ihitl,*

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'Suh section (I) was subslilulct! for the original sub-M-'L-iinn hy s. -1(1) of llic Calculla Municipal Corporalion (Amendment) Acl, 199-1 (Wcsl Uen. Acl XXXII of I99J),

'Second proviso was inserted by s. 21(1) of llie I .)!a;:::i Municipal Coqioralion (Amendment) Aei, 1997 (West 13cn. Act XXVI of 1997).

The words wiihin lhe square brackets were substituted for [tie words "Provided further" by s. 21 (2). *ibid.*

^Sub-sections (2) and (3) were substituted for (tie original sub-section (2) by s. 4 (2) of 11, ... paoww-r-rc.-n VVVIUf IIIO^I

[1]*Sce* fool-nolc 2 on page 573, *unii*

'Pvovhn was added by s. <j (1) of ihe Calcutta Municipal Corpomilon (Amendment) Ac|T 1994 (Wtoi 0L[L]nr Act XXXI[of J).T]njr^aflcr lhc prv^^ni prtm.wwas stibHiluWd by 5.23 of the Calcutta Municipal Corporation (Amendment) Acl, 1997 (Wcsi lien, Aei XXVI of 1997).

y'Subseelion (3) was omitted hy s. 6(2) of lhe Calcutta Municipal Corporation (Amendment) Acl. 1994 (wcm Ben, Act XXXII of 1994).

[2]5cclion 265A was inserted by s. 7. *ibid,*

'Sections 265B and 265C were inserted by s. 24 of ihc Calcutta Municipal Corporaiion (Amendment) Acl. 1997 (Wcsl Ben. Acl XXVI of 1997).

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'*See* foot-note on pngc 573, *ante.*

[*See* foot-note 2 on papc 633. *ame*

'Clause (c) wns omillcd by v *2* uf the Cnlmua Municipal Corporaiion (Amendment) Acl. 1993 (Wesi Ben. Acl VI of 1W3).

[West Ben. Act XXm of 2000.]

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'The words willi in lhc square brackcls were subs li lined for the words "may himself carry oui" by s, 31 or lhe Calculla Municipal Corponilion (Second Amendment) Aci, 1984 (Wcsl Ben. Acl Xlll of 1984).

[West Ben. Act XXm of 2000.]

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'Clause (au) was inserted by s. 11(1) oT the Calcutta Municipal Corporalion (Amendment) Acl, 200! (West Ben. Acl Vlll of 2001).

'Clause (ce) was inserted by s. 25 of lhe Calcutta Municipal Corporalion (Amendment) Acl. 1997 (West Ben. Aci XXVI of 1997).

'Words, brackcli and letters within the square brackets were inserted by s. 11 (2) of [he Calcutta Municipal Corporation (Amendment) Acl. 2001 (Wcsl Ben. Acl Vlll of 21)01).

y'See foov-nole 2 on page 61 J, un;e.

'Si'e fool-nolc 2 on page 573, *wife.*

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'ii i[1] Ibui-naic 2 or |:.**H;O** 573, *tmre.*

[West Ben. Act XXm of 2000.]

(3) Any requisition Tor lhe construction or any house-drain under sub-seciion (2) may contain any or lhe details specified in subsection (]).

[West Ben. Act XXm of 2000.]

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(3) Noi less than fifteen days before any such work is commenced, the Municipal Commissioner shall give Lo each such owner—

(a) a written notice of the proposed work, and

(b) an estimate of the expenses in connection [West Bengal Act XX of 2000.] respect thereof and of the proportion of such expenses payable by him.

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y' 'Marginal note wiihin lhc squrtrc brackcli were substituted for lhc marginal rune "Power or Municipal Commissioner io charge for drainage and sewerage scrvicc in certain cases.'" by s,12(i) of lhc Calciuia Municipal Corporalion (Amendment) Acl, 2001 (Wesl Ucn. Acl VIII of 2001).

vSuh-crrTirm (1\ \v:w sulvriiuucd for lhc cricin:il hv i'*hid.*

[West Ben. Act XXm of 2000.]

(2) The Corporation may construct, acquire, operate, maintain, develop or manage any garage or work Tor proper maintenance oT the vehicles or vessels or means for removal of solid wastes under ;*ub-seclion (1).

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[1]*Sei~* fooi-nqic *2 on* ptiuc 573, *an!t*
'See fool-nole 2 on pate 573. *mile.*

[West Ben. Act XXm of 2000.]

[1] **JY'L**' fool-role 2 on page 573, ***ante.***

[West Ben. Act XXm of 2000.]

'Sr*f* fool-nolo 2 on page 573. *n>\te.*

\Yrv fool-nole 2 on page 573. *ante.*

'Clause {D \v.i5 inserlcd by s. 33 of lhe Calculla Municipal Corporaiion (Second Amendment) Aci. 19K-I (West Ben. Acl XIII of 198<l).

'Scclion 353 was subsliluied for lhe original seclion by s. 3of [lo C ale una Municipal Corporaiion (Amcndmcnl) Acl, 19S5 (West lien. Acl XX1I1 of 1985).

(2) The Municipal Commissioner may, before giving such owner or occupicr any such notice or before the expiry of Lhe period .specified in any such notice, take such temporary measures as he thinks fiL 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.

H. *Lighting of streets* 387. (1) The Municipal Commissioner shall—

<vi«asurcs for lighting

(a) lake 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, ercci and maintain such number of lamps, lamp posts and other appurtenanccs as may be necessary Tor t/ie purpose as aforesaid;

(c> cause such lamps to be lighted by such means as may be determined by him;

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'Clause (|) as inserted by the Calcutta Municipal Corporation (Amendment) Oldinance. 1995 (West Ben, Ord. Ill of 1995) has no practical rclcvancc to this Acl and may ml be taken inlo account as no a mend mem promulgated by an Ordinance can be incorporated in an Aci,

As no clause (j) [was] incorporated by an Acl so no question of omission or the same may arise by the proposed amendment cnaclcil hy s. I6(iv) or the Calcutla Municipal Corporaiion (Amendment) Acl, 1996 (West Ben. Act VI of 1996).

y'Tlic words "five oilier members" were first substituted Tor the words "three oiher members" bys. 2(1) or lhe Calculla Municipal Corporaiion (Amendment) Act. 1989 (Wcsl Ben. At! XV of 19B9), Then a wrong amendment was trade by s. 17(a) of the Calcutu Municipal Corporation (Amendment) Acl, 1996 (Wcsl Ben. Aci VI of 1996) where the word "seven" has been substituted for the word "nine" which should actually have been substituted for lhe word "five". This mistake has been aroused on account of W. B. Ord. No. HI or 1995. Finally, lhe word within the firsi brackets was subslituii-d for (lie word "seven" by s. 28(1) of the Calculla Municipal Corporaiion (Amendment) Aci. 1997 (Wcsl Ben. Acl XXVI or 1997).

[1] ***See*** fool-note 2 on page 573. ***ante.***

'Section 415 was .uibstiiulcd for the original scclion hy s. IE of ihc Calculla Municipal Corpora I ion (Amend mcnt) Acl, 1988 (Wcsl Ben. Acl XXI or 19KS) Priorio ihis substitution ihcrc occurred following changes in original swliun 415, namely:ð

(i) in sub-section (I), after the words "in accordance wilh inch procedure", the words "and [o realise such fees in connection wilh such appeals" wcrj inserted by s. 37(a) of ihe Calculla Municipal Corporaiion (Sccond Amendmenl) Acl, 1984 (Wesl Ben. Aci Xlll of 19S4):

(ii) clauscs (9), (10) and (11) were inserted by s. 37(h). *ibid.*

:Sub-scclion (I) was subs tinned for ihc previous one by s. N(i) of ihc Calculla Municipal Corporaiion (Amendment) Acl, 201)1 (Wcsl Ben. Act VIII of 20D1).

y'The word wilhin ihc square brackets was subslilulcd for llic word "six" by s. M(ii)(a), *ibid.* \ 'Proviso was substi luted for the original by s. 14(ii)(b), *ibid.*

^***Scl-*** Tool-note 2 on pace 573. *ante.*

'Provisos were subslilulcd Tor lhc original proviso by s. 1-1{LII) of lhc Calcutta Municipal Corporation (Amendment) Acl, 2001 (Wcsl Hen, Acl VII[of 2001),

=Thc words wiihin lhc square brackets were substituted for die words "Municipal l'und." by s. 14(iv)(a), *ibid,*

^Proviso was added by s. 1 J(iv)(b), *ibid.*

'The word ;inil figures within llic square brackets wen; substituted for lhe word and figures "scction A16" by s. 38 or lhc Calculla Municipal Corporation (Sccond Amendment) Act. 1984 (West Ben. Aci Xlll of 19M).

■*See* tool-note 2 on page 573, *tunc.*

The words wiihin the square brackcls were substituted Tor the word "prescribed" by s. 19 ot llic Calcutta Municipal Corporation (Amendment) Acl, 19S8 (West Lien. Acl XXI or I9S8).

(2) Notwithstanding anything contained in ihis 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 wasles or for parking oT vehicles or Tor loading or unloading of goods or for abatement of nuisance of any kind whatsoever as he deems fil.

(2) The agreement as aforesaid may provide for all or any or the following matters:—

(a) maintenance of ihe heritage building by the owner or by any other person willing to maintain lhc said heritage' building;

(b) custody of lhe heritage building and the duties or lhe person who may be employed to walch ii;

(c) the restrictions on the owner's right—

(i) to use lhe heritage building Tor any other purpose detrimental to its conservation;

(ii) to charge any fee for entry into, or inspection or, Lhe heritage building, and

(iii) io build on or near the site of lite heritage building.

[1]*Se?* fnowintc 2 on pact 573. *ante.*

'Section *150 **h-js** subslilulcd Tor lhc original seciion by s. **2(1** of the C;ilcutla Municipal Corporation (Amendment) Acl. 1996 (West Hen, Acl VI or 1996). **i**'rior lo ihis subsillulion lhe words and figures "Ihe Calcull;i *Thika* Tenancy (Acquisition and Regulation) Acl.

1 y KI"Wesl lien. Acl XXXVII ol 1981" were subs til a ted for ihe words and figures "lhe Calculla *Tltil.ii* Tenancy Aei, LOW' "Wcsl Ben. Acl **tl** of 1149" by s. 39 of lhe Calculla Municipal Corporalion (Second Amendment) Acl. 19K4 (West Ucn. Act XII t of 1984).

-Aft* fool-noic 2 on page 373, *aitlv.*

'Sections 4SUA. 450U and 450C were inserted by s. 21 of the Calculla Municipal Corporalion (Amendment) Acl, 1996 (West Ikn. Aa VI of 1996).

'Clause (g) was omilied by s, 23 (a) of llie Calcutta Municipal Corporation (Amendment) Aci. I9KS (Wcsl Ben. Act XXI of 10SSJ, Prior lo lhis omission lhc same clausc was inserted by s. 45 of the Calculla Municipal Corporalion (Second Amendment) Aet. 1984 (Wesl Ben. Act Xlll of L984),

[i]C I a ust (h) was inserted by s.45, *ibid*- Thereafter, lhc same clausc was subslilulcd by s. 23(b) nf ihe Calculla Municipal Corporalion (Amendment) Acl, 1988 (Wcsl Ben. Acl XXI of I98S).

[West Ben. Act XXm of 2000.]

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