

The West Bengal Municipal Act, 1993

Previously the Municipal Affairs of this State was administered by the Bengal Municipal Act, 1932. Later, in the end of '80s it was felt necessary to replace the said Act with an updated legislation. Accordingly the West Bengal Municipal Act, 1993 has been enacted on the 13th day of July, 1994 and the said new Act has replaced the Bengal Municipal Act, 1932.

Salient features of the West Bengal Municipal Act, 1993 are as follows:

1. Fixing Conditions and procedure for constitution of a new Municipality or inclusion of an area within an existing municipal. For constitution of a Municipality an area shall have to fulfill the mandatory conditions of a minimum total population of 30,000 (as per last preceding census), a population density of 750 per sq. km., at least 50% adult population of the area shall have to be engaged in non-agricultural pursuits and probable municipal income from the area should be adequate to run the functions of the proposed municipality. If any area is already urbanized but does not comply with any of the above mentioned conditions this area may be declared as a Notified Area.
2. Clear determination of administrative structure of the Municipality. As per these provisions the Chairman is the executive head of the Municipality. The Chairman nominates one Councillor as the Vice Chairman. In Group A, B and C Municipalities there are Chairman-in-Councils. Apart from the Chairman and the Vice Chairman there are other members (for Gr. A -5, for Gr. B - 4, for Gr. C - 3) nominated by the Chairman from among the Councillors. In Group D and E Municipalities the powers and functions of the Chairman-in-Council devolves on the Chairman. Apart from provisions have been made for empowering the Municipalities to constitute Advisory/ recommendory bodies to seek expert help in their work by constitution of Standing Committees, Special Committees, and Joint Committees.
3. Constitution of ward committees is each ward of every municipality to involve general citizen in civic administration.
4. Detailed provision for the procedure for conduct of business of different elected functionaries and municipal officials and their powers.
5. Power and functions of the Municipality.
6. Procedure for custody, applications and use of municipal fund.
7. Power of the municipalities to hold, acquire and dispose of movable and immovable properties.
8. Provision for preparation of Accounts is Municipal fund annual statutory audit and internal audit thereof and constitution of Municipal Accounts Committee.
9. Powers of the Municipalities to impose different taxes and fees. The municipalities are empowered to impose fees on congregation, tourists, toll in heavy truck, and levy of special conservancy charges. Apart from this the Municipalities are empowered to impose fees for licenses issued and permissions granted under the provisions of the Act. The main plank of internal resource of the Municipalities is property tax on lands and buildings. Provisions have been made to determine such property tax on the basis of a formula. But such tax (annual) shall not exceed 30% of the annual value of the land or building concerned. Though the Union Government proportions are exempted from property tax but the Municipalities are empowered to impose service charge on such properties at such rates as may be determined by the Central Government. As per provision of this Act Diplomatic Missions, places of public worship, Government or Government aided

educational institutions, holdings used for charitable purposes, welfare homes run by the Government and the buildings with a valuation of Rs. 500/- or less are exempted from payment of property tax. In every five years the periodic assessment of holdings is done. Detailed procedure for such assessment is made in the Act.

Apart from the above the Municipalities are entitled to impose, -

- A. fee for enlistment of profession, trade and callings at a maximum rate of Rs. 1500/- per annum [The State Government, in Municipal Affairs Deptt., has circulated as model regulation in the matter for adoption by the Municipalities];
 - B. fee for issue of license for use of a site for advertisement and also a tax on advertisement on the basis of a regulation made by the Municipalities with the approval of the State Government [The State Government, in Municipal Affairs Deptt., has circulated as model regulation in the matter for adoption by the Municipalities].
 - C. tax for registration of carts and carriages [the rates have been mentioned in the West Bengal Municipal [FINANCE](#) & Accounting) Rules, 1999];
 - D. tolls on ferries and bridges;
 - E. stallage, rent and fee on markets;
 - F. fee for issue of hawking licenses and the licenses for sale of flesh, fish or poultry;
10. Provisions for realization / recovery of taxes.
 11. Powers to control and regulate all public thoroughfares including public streets and private streets.
 12. Power of the Municipalities to regulate building activities and to ensure structural safety. Through building rules and sanction building plan on realisation of fees as per provisions of the West Bengal Municipal (Building) Rules, 2007.
 13. Provision regarding power of the Municipalities in regard to supply of water and issue permission for digging wells and sinking tube wells, and realization of fees therefor.
 14. Power and function of the Municipality to control, maintain and regulate drains and sewerage.
 15. Manner of solid waste management to be followed by the Municipalities.
 16. Provisions regarding control and maintenance of markets and slaughter houses by the Municipality.
 17. Provision regarding fire prevention and fire safety.
 18. Detailed procedure regarding preparation of Draft Development Plan.
 19. Special Provisions regarding hill Municipalities with an emphasis to safety measures required to be taken in such areas.
 20. Power of the Municipality to ensure public safety by removing nuisances and restraining infection.
 21. Provision delineating the role of the Municipality for maintenance of vital statistics and disposal of dead.
 22. Separate Chapters related to Notified Area Authority and Industrial Townships.

Other Municipal Corporation Acts

Apart from Kolkata there are five other Municipal Corporations in the State namely the Howrah Municipal Corporation, Siliguri Municipal Corporation, Asansol Municipal Corporation, Chandannagar Municipal Corporation and Durgapur Municipal Corporation. All these Municipal Corporations are administered by the separate the

Howrah Municipal Corporation Act, 1980, the Siliguri Municipal Corporation Act, 1990, the Asansol Municipal Corporation Act, 1990, the Chandannagar Municipal Corporation Act, 1990 and the Durgapur Municipal Corporation Act, 1994.

Provisions of these Acts are exactly similar and similar to that of [the West Bengal Municipal Act, 1993](#) with the following variations:

- The Mayor is the First Citizen of the Corporation. The administration of the Corporation is run by the Mayor-in-Council constituted the Mayor, the Deputy Mayor and the maximum of 10 other elected members of the Corporation.
- There is a Chairman, elected by the Councilors who exercises the powers in the Corporations which is similar to that of the Speaker of the Legislative Assembly.
- The Mayor nominates one of the Councilors as the Deputy Mayor.
- For further decentralization there is a borough setup. Corporation constitutes 15 boroughs which are groups of contiguous wards. Each borough committees civic administration in borough areas are supervised by a borough committee constituted by a Councilors of the wards of concerned borough.
- The Chief Administrative Officers of the Corporation is the Commissioner in the case of Howrah Municipal Corporation, and Chief Executive Officer in the case of other Municipal Corporations.

Excepting Howrah Municipal Corporation in the other Municipal Corporations the accounts rules and the building rules framed under the West Bengal Municipal Act, 1993 has been made applicable.