

# The West Bengal Municipalities (Procedure and Conduct of Business) Rules, 1995<sup>1</sup>

In exercise of the power conferred by section 417, read with sub-section (4) of section 51. of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) (hereinafter referred to as the said Act), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of section 417 of the said Act, the following rules :—

## CHAPTER 1

### Preliminary

**1. Short title and commencement.**—(1) These rules may be called the West Bengal Municipalities (Procedure and Conduct of Business) Rules, 1995.

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

(3) These rules shall apply to all Municipalities and Notified Area Authorities in West Bengal.

**2. Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

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

(b) “Member” means a member of the Municipality;

(c) “motion” means a proposal made by a member for consideration at a meeting of the Municipality relating to any matter which will be discussed by the Municipality at such meeting and includes an amendment;

(d) “municipality” includes a Notified Area Authority;

(e) “officer” means the District Magistrate or any other Executive Magistrate authorised by the District Magistrate in this behalf;

(f) “quorum” means the quorum as laid down in section 51A.

(g) “Schedule” means Schedule to these rules;

(h) “section” means a section of the Act;

(2) The words and expressions used but not otherwise defined shall have the same meaning as in the Act.

## CHAPTER II

### First Meeting of the Municipality

**3. Election of the President of the meeting to elect the Chairman.**—(1) The first meeting of the Board of Councillors shall be convened under section 50B by the officer within a period of 30 days from the date of publication of the names of elected members in the *Official Gazette* under section 71 of the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994).

(2) When a meeting is held under sub-rule (1) at which a quorum is present, the Councillors, who have taken the oath or affirmation of allegiance to the Constitution of India under section 50, shall elect one of the elected members to preside at such meeting. The proceedings of the meeting relating to the election of the President shall be conducted by the officer.

(3) The President shall be duly proposed and seconded and shall not be a candidate for the office of the Chairman.

(4) If only one Councillor is proposed and seconded as President, he shall be deemed to be duly elected as such. If names of more than one Councillor are proposed and seconded, the President shall be elected by vote by secret ballot by the Councillors present in the meeting.

(5) The officer shall, under specification detailed below, cause the ballot paper to be distributed among the Councillors present.

#### **Ballot paper for the election of the President**

Counterfoil	Names of candidates	Space for placing of mark 'x'
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Signature of Officer	Signature of Councillor
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(6) The Counterfoil shall bear the signature of the officer and the Councillor in the space provided, while the ballot paper shall bear the signature of the officer only on the back.

(7) The ballot paper shall be invalid if the mark 'x' is placed opposite the names of more than one candidate, or if it is so placed as to render it doubtful as to which candidate such mark is intended to apply.

(8) Each Councillor, after placing the mark 'x' on the ballot paper, shall fold the same so as to conceal the vote recorded, and hand it over to the officer.

(9) As soon as all the ballot papers have been delivered to the officer, he shall, in the order hereinafter specified.—

- (a) reject any ballot paper which does not bear the signature of the officer;
- (b) reject any ballot paper which is irregularly marked or unmarked;
- (c) read out the names of the candidates against which the mark 'x' has been validly placed;
- (d) count the votes; and
- (e) declare the candidate to whom the largest number of votes has been given to be elected as the President of the first meeting of the Councillors.

(10) If the votes of two or more Councillors proposed and seconded as President of the meeting are equal, then the election of one of them shall be decided by the officer by lot and his decision shall be final.

(11) The officer shall keep a record of the proceedings of the meeting in the Minute Book of the Municipality and send one copy of the same to the District Magistrate and the Director of Local Bodies, West Bengal, and shall also send the counterfoils and the ballot papers used for electing the President of the first meeting of the Councillors for election of Chairman in a sealed cover to the District Magistrate for preservation for a period of one year from the date of such election.

(12) The function of the officer shall cease as soon as the President of the first meeting of the Councillors for election of the Chairman is elected.

**4. Election of the Chairman.**—The election of the Chairman of the Municipality shall proceed as follows:—

(1) any Councillor present may propose the name of an elected member as a candidate for the office of the Chairman:

(2) no candidature shall be taken into consideration unless it has been seconded by a Councillor other than the proposer:

(3) if there is only one candidate duly proposed and seconded for election, the President shall forthwith declare such candidate to be elected;

(4) if names of more than one Councillor are proposed and seconded as Chairman, the Chairman shall be elected by vote by secret ballot by the Councillors present in the meeting;

(5) the President shall, under specification detailed below, cause the ballot papers to be distributed among the Councillors present.

#### **Ballot paper for the election of the Chairman**

Counterfoil	Names of candidates	Space for placing of mark 'x'
	1)	
Signature of the President	2)	
	3)	
Signature of the Councillor		

(6) the counterfoil shall bear the signature of the President and the Councillor in the space provided, while the ballot paper shall bear the signature of the President only on the back;

(7) the ballot paper shall be invalid if the mark 'x' is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful as to which candidate such mark is intended to apply;

(8) each Councillor, after placing the mark 'x' on the ballot paper, shall fold the same so as to conceal the vote recorded, and hand it over to the President;

(9) as soon as all the ballot papers have been delivered to the President, he shall, in the order hereinafter specified,—

- (a) reject any ballot paper which does not bear the signature of the President;
- (b) reject any ballot paper which is irregularly marked or unmarked;
- (c) read out the names of the candidates against which the mark 'x' has been validly placed;
- (d) count the votes; and
- (e) declare the candidate to whom the largest number of votes has been given to be elected as the Chairman of the Municipality:

(10) in the case of equality of votes, the President shall have a casting vote;

(11) the President shall keep a record of the proceedings of the meeting in the Minute Book of the Municipality in continuation of the proceedings recorded by the officer and send one copy of the same to the Director of Local Bodies, West Bengal, who shall cause publication of the name of person elected as Chairman in the *Official Gazette*. The President shall also send the counterfoils and the ballot papers used for electing the Chairman in a sealed cover to the District Magistrate for preservation for a period of one year from the date of such election. A copy of the proceedings of the meeting shall also be sent to the District Magistrate.

**5. Report on the vacancy of the office of the Chairman.**—In the case of any vacancy in the office of the Chairman caused by death, resignation, removal or otherwise, the Vice-Chairman shall, not later than 7 days from the date of such vacancy, send a report to the District Magistrate. In the absence of the Vice-Chairman for any reason whatsoever, such report shall be sent by the Executive Officer, and in his absence, by the Municipal Secretary or, in his absence, by the Office Superintendent, or, in his absence, by the Head Clerk.

**6. Filling up of the casual vacancy of the office of the Chairman.**—(1) In the case of any vacancy caused by death of the Chairman,—

- (a) within seven days or as soon thereafter as may be but not later than fifteen days after the death of the elected Chairman, the Vice-Chairman shall convene a meeting of the Board of Councillors exclusively for the purpose of election of the Chairman;
- (b) the Vice-Chairman shall preside over such meeting if he is not a candidate for the post of the Chairman;
- (c) if the Vice-Chairman is a candidate for the post of the Chairman, he shall declare so immediately, but shall continue to preside over such meeting until a President for that meeting is elected in the manner laid down in sub-rules (3) to (11) of rule 3 *mutatis mutandis*;
- (d) the Vice-Chairman or the President elected under clause (c) of this sub-rule, as the case may be, shall conduct the election of the Chairman in the manner laid down in rule 1.

(2) In the case of any vacancy in the office of the Chairman caused by resignation,—

- (a) within seven days or as soon thereafter as may be but not later than fifteen days of resignation by the Chairman, a meeting of the Board of Councillors shall be convened by the Chairman, or, on his failing to do so, by the Vice-Chairman within seven days thereafter or, on his failing to do so, by any three of the elected Councillors within further seven days thereafter for acceptance of the resignation or otherwise. Such meeting shall be presided over by the Chairman or, in his absence, by the Vice-Chairman or, in his absence, by a Councillor, elected by the Councillors present, as President for that meeting only. The resignation letter shall be placed before the Board of Councillors and after such discussions as the President of that meeting permits, the issue shall be decided on the basis of majority of vote. In the case of equality of vote, the President of the meeting shall decide the issue by lot;
- (b) if the resignation of the Chairman is accepted by the Board of Councillors, within seven days of such acceptance a meeting shall be convened by the Chairman; who is continuing in office under sub-section (4) of section 18 or, on his failing to do so, by the Vice-Chairman within seven days thereafter or, on his failing to do so, by any three Councillors within seven days thereafter for the purpose of election of the Chairman;
- (c) the Vice-Chairman shall preside over such meeting if he is not a candidate for the post of the Chairman;
- (d) if the Vice-Chairman is a candidate for the post of the Chairman, he shall declare so immediately, but shall continue to preside over such meeting until a President for that meeting is elected in the manner laid down in sub-rule (3) to (11) of rule 3 *mutatis mutandis*;
- (e) the Vice-Chairman or the President elected under clause (d) of this sub-rule, as the case may be, shall conduct the election of the Chairman in the manner laid down in rule 4.

(3) If there is a requisition for removal of the Chairman under sub-section (3) of section 18,—

- (a) a special meeting for considering the resolution for removal of the Chairman shall be held in the manner laid down in these rules;
- (b) if the resolution for removal of the Chairman is duly carried out, the vacancy in the office of the Chairman shall be filled up by election at a meeting to be held in accordance with the procedure laid down in clauses (b), (c) (d) and (e) of sub-rule (2), the provisions of which shall apply *mutatis mutandis*.

**CHAPTER III**  
**Meeting of the Municipality**

**7. Meeting and its validity.**—(1) Meetings of the Municipality may be.—

- (a) ordinary meetings; or
  - (b) extraordinary meetings.
- (2) A meeting of the Municipality shall be deemed to have been duly held when,—
- (a) the meeting is duly convened;
  - (b) there is necessary quorum;
  - (c) the meeting is held within the municipal premises;
  - (d) the meeting is presided over by a person authorised under the Act and these rules; and
  - (e) the proceedings of the meeting are duly recorded.

**8. Ordinary meetings.**—(1) The Chairman or, in his absence, the Vice-Chairman shall convene a meeting of the Municipality for the transaction of normal business not less than once in every month.

(2) If there is no business to be laid before the members at any such meeting, the Chairman or, in his absence, the Vice-Chairman shall, instead of convening the meeting, give notice of the fact to each member at least three days before the date appointed for the meeting.

(3) Seven days' notice to the members shall be necessary for such meeting.

(4) The Councillors may, at a meeting, fix the date or dates and time for holding the next meeting or meetings,

**9. Extraordinary meeting.**—(1) In an extraordinary meeting, no matter, other than the one for which the meeting has been convened, shall be discussed. Such meetings may be—

- (a) an emergent meeting; or
- (b) a special meeting.

(2) An emergent meeting for transaction of business of an emergent nature, may be convened, at any time, by the Chairman or, in his absence, the Vice-Chairman, after giving twenty-four hours' notice to the members.

(3) (a) A special meeting may be convened by the Chairman or, in his absence, by the Vice-Chairman *suo motu* after giving not less than three days' notice to the members.

(b) A special meeting may also be convened after giving not less than three days' notice to the members, on a requisition containing specifically the agenda and signed by not less than one-third of the total number of Councillors of the Municipality, by—

- (i) the Chairman, within fifteen days from the date of receipt of such requisition or, on his failure to do so,
- (ii) the Vice-Chairman within seven days thereafter or, on his failure to do so, or
- (iii) any three of the Councillors of the Municipality within further seven days thereafter.

(c) Notwithstanding anything contained in these rules, if the situation so demands owing to stalemate condition prevailing in the functioning of the Municipality, the officer may, in the interest of public service, convene a special meeting of the Municipality with at least three days' notice to the members, specifying the agenda and venue of the meeting.

**10. Adjournment of meeting.**—If, at the time appointed for a meeting or within an hour thereafter, there is no quorum, the meeting shall stand adjourned to some future date to be appointed by the Chairman or, in his absence, by the Vice-Chairman, and three days' notice of

such adjourned meeting shall be given to the members. The members present at such adjourned meeting shall form a quorum, whatever their number may be:

Provided that a requisitioned meeting shall fail automatically if there is no quorum at the meeting.

**11. List of business of the meeting.**—A list of business to be transacted at a meeting and the proceedings of the last meeting shall be sent to the members along with the notice of the meeting. The list of business shall be prepared in the order laid down in rule 14.

**12. Motions and questions.**—(1) Notice of motions and questions, if any, accompanied by verbatim drafts of such motions and questions, shall be sent by a member to the Chairman or, in his absence, to the Vice-Chairman well in advance for being included in the list of business for the next meeting. Notice received too late may be included in the list of business of the next succeeding meeting.

(2) A Notice Book shall be kept by the Chairman in which all notices of motions and questions shall be entered. All such notices shall be dated and numbered as soon as received.

**13. Persons to preside at meetings.**—(1) Save as otherwise provided in these rules, meetings of the Municipality shall be presided over normally by the Chairman or, in his absence, by the Vice-Chairman.

(2) In the case of a special meeting for removal of the Chairman, the meeting shall be presided over by a Councillor, elected by the Councillors present in the meeting.

(3) In the case of special meeting as referred to in clause (c) of sub-rule (3) of rule 9 the officer shall conduct the proceedings of the meeting. He shall, at the very commencement of the meeting record the attendance of the members present in the meeting and shall, for presiding over the meeting invite the Chairman of the Municipality or, in his absence or failure to do so, the Vice-Chairman of the Municipality for the purpose. In the case of absence of the Vice-Chairman or, his failure to preside over the meeting, the officer shall invite the Councillors present in the meeting to elect a President for that meeting only:

Provided that the proceedings of the meeting shall, till the Chairman or the Vice-Chairman or the President so elected, as the case may be, takes over, be recorded by the officer in the Minute Book of the Municipality and thereafter by the person presiding over the meeting. A copy of the proceedings of the meeting so held shall be sent to the District Magistrate and the Director of Local Bodies, West Bengal, by the officer and the person presiding over the meeting respectively.

**14. Order of business at ordinary meeting.**—In the absence of any question under rule 16, the business shall be conducted at an ordinary meeting in the following order:—

- (a) the minutes of the last ordinary meeting and of any extraordinary meeting held thereafter, shall be read and, if confirmed as correctly entered, shall be signed by the person presiding over the meeting as a token of such confirmation. In the event of any objection being raised about any resolution as recorded, the person presiding over the meeting shall decide the question and may make necessary correction in the Minute Book, if required;
- (b) business postponed from the last ordinary meeting shall be considered;
- (c) the minutes of the meeting of the Chairman-in-Council held after the last ordinary meeting of the Municipality shall be considered;
- (d) other matters, if any, shall be considered; and
- (e) motions, of which due notice has been given, shall be considered.

**15. Order of business at extraordinary meeting.**—At an extraordinary meeting only the business, for which the meeting has been called, shall be considered.

**16. Questions.**—If due notice has been given under rule 12, any member may, before other business commences ask the person presiding a question or questions relating to the affairs of

the Municipality. Such member may briefly state his question when putting it, and the person presiding may give his answer; but no debate shall be allowed on any such questions.

**17. Dissent of business.**—Dissents duly made shall be appended to, and published with, the minutes.

**18. Custody of common seal.**—The common seal of the Municipality shall remain in the custody of the Chairman:

Provided that if an Executive Officer or a Finance Officer or a Secretary or an Office Superintendent or a Head Clerk has been appointed, the Chairman may, by a written order, delegate the custody of the seal to any such officer. The common seal shall be used only under a standing order of the Chairman.

**19. Decision in the meetings.**—(1) All matters required to be decided at a meeting shall be determined by the majority of votes of the Councillors present and voting.

(2) Subject to sub-rule (10) of rule 3, in the case of equality of votes, the person presiding shall have a second or casting vote.

**20. Councillors disqualified for voting on certain questions.**—No Councillor shall vote on any matter affecting his own pecuniary interest or on any question which relates exclusively to the assessment or the valuation of any property in respect of which he is in any way directly interested or of any property of which he is a manager or agent or of any property for which he is liable to pay any tax, rate, toll or fee under the Act.

**21. Minutes of proceedings of meetings.**—(1) Minutes of the proceedings of all meetings of the Municipality (in which shall be recorded, *inter alia*, the names of all members present along with their respective signatures) shall be entered in the book to be kept for the purpose, and shall be signed by the person presiding over the meeting, and such book shall be open to public inspection.

(2) Whenever at any meeting of the Municipality a motion or resolution authorising any expenditure or authorising any account leading to or involving expenditure is passed the names of the Councillors who vote for such motion or resolution shall be recorded in the minutes of the proceedings.

(3) A copy of the minutes of the proceedings of all meetings of the Municipality shall, within 15 days from the date of the meeting, be forwarded by the Chairman or, in his absence, by the Vice-Chairman to the District Magistrate and the Director of Local Bodies, West Bengal.

## CHAPTER IV

### Meetings of Joint Committee

**22. President and Secretary.**—(1) The Joint Committee, in its meeting, shall elect a President of the Committee unless the notification constituting the Joint Committee already nominated the President.

(2) (a) The convener shall act as the Secretary of the Joint Committee. The Municipality or the Municipalities and the local authorities constituting the Joint Committee shall provide such secretarial support to the Secretary of the Joint Committee as the President may direct.

(b) The Secretary shall keep a record of the minutes of the meeting and take such other action as the President may direct.

## CHAPTER V

### Transaction of business of the Chairman-in-Council

**23. Allocation and disposal of business.**—(1) The powers and functions of the Municipality as laid down in sections 63 to 65 and elsewhere in the Act shall be distributed between the departments specified in the First Schedule.

(2) In the first meeting of the Chairman-in-Council or as soon thereafter as may be, the Chairman shall, for the convenient transaction of business, allocate, by an order in writing, among the members of the Chairman-in-Council, such business in the different departments as he thinks fit:

Provided that he may keep any business in any department or departments as he may think fit directly under his control:

Provided further that he may re-allocate the business amongst the members of the Chairman-in-Council at any subsequent stage. Such re-allocation may be either temporary or permanent in character.

**24. Action to be deemed to have been taken in the name of the Chairman-in-Council.**—Action taken by a member of the Chairman-in-Council in pursuance of a decision of the Chairman-in-Council, in respect of duties allocated to him, shall be deemed to have been taken in the name of the Chairman-in-Council.

Provided that all formal orders shall be issued under the signature of the Chairman, save as provided in the Act.

**25. Executive actions to be expressed to be taken in the name of the Municipality.**—All executive actions of the Chairman-in-Council shall be expressed to be taken in the name of the Municipality.

**26. Collective responsibility.**—The Chairman-in-Council shall be collectively responsible to the Municipality.

**27. Placing of officers.**—Subject to the provisions of the Act and these rules, the Chairman shall place the officers in different departments.

**28. Officers and staff to be under the supervision of the Member-in-Charge.**—The officer heading a department and the departmental staff shall be subject to the primary supervision of the member-in-charge to whom the particular department has been allocated by the Chairman.

**29. Procedure in financial orders.**—(1) No department shall, without previous consultation with the Accounts and Cash Department, authorise any order (other than an order pursuant to any general delegation made by the department controlling budget and finance, by whatever name it may be known) which either immediately or by implication will affect the finance or assets of the Municipality.

(2) Re-appropriation shall be moved to the Chairman-in-Council by any department through the department controlling the budget and finance (by whatever name it may be known), for approval of the Board of Councillors.

**30. Procedure of functioning of the Chairman-in-Council.**—The Executive Officer of the Municipality or, in his absence, the Municipal Secretary or, in his absence, the Office Superintendent or, in his absence, the Head Clerk shall be the Secretary to the Chairman-in-Council and shall be designated as *ex officio* Council Secretary.

**31. Matters to be submitted to the Chairman-in-Council by *ex officio* Council Secretary.**—All matters referred to the Chairman-in-Council shall be submitted by the *ex officio* Council Secretary to the Chairman and, if so approved by the Chairman, it shall be placed in the agenda of the meeting of the Chairman-in-Council.

**32. Matters not referred to the Chairman-in-Council.**—The Chairman may direct that any matter not referred to the Chairman-in-Council under rule 31 shall also be included in the agenda.

**33. Meeting of the Chairman-in-Council.**—(1) The Chairman-in-Council shall meet at least once a week in the municipal office.

(2) Under direction of the Chairman, the *ex officio* Council Secretary shall send notice indicating the date, time and agenda of the meeting of the Chairman-in-Council to its members at least 72 hours before the date of the meeting.

**34. Preparation of memorandum.**—(1) When it has been decided to bring a matter before the Chairman-in-Council, the department to which the matter belongs shall, unless the Chairman otherwise directs, prepare a memorandum stating with sufficient precision the salient facts of the matter and the points for decision. Such memorandum and such other papers as are necessary to enable the matter to be disposed of shall be circulated to the members of the Chairman-in-Council at least 48 hours before the date of the meeting. If a matter concerns more than one department, the members of the Chairman-in-Council supervising the work of the concerned departments shall attempt by previous discussions to arrive at a consensus.

(2) If a consensus is reached, the memorandum shall contain the joint recommendations of the members of the Chairman-in-Council as aforesaid. If no consensus is reached, the memorandum shall state the points of differences and the recommendations of each of the concerned members of the Chairman-in-Council.

**35. Inclusion of matters in the agenda.**—(1) After an agenda paper showing the business to be transacted at a meeting of the Chairman-in-Council has been circulated under rule 34 any matter of emergent nature may be included in the agenda with the copies of such approval of the Chairman and copies of such memoranda may be circulated by the *ex officio* Council Secretary immediately thereafter.

(2) Except with the permission of the Chairman, no matter shall be placed in the agenda of a meeting.

(3) The Chairman or, in his absence, the Vice-Chairman shall preside over the meeting of the Chairman-in-Council. If both the Chairman and the Vice-Chairman are likely to remain absent, the Chairman may nominate another member of the Council to preside over the meeting.

(4) The Head of the department concerned shall attend the meeting, if so required by the Chairman.

(5) The *ex officio* Council Secretary shall attend every meeting of the Chairman-in-Council and shall prepare a record of the decisions and get them approved by the Chairman or the Vice-Chairman or the Presiding member, as the case may be. He shall forward a copy of such record to each of the members including the Chairman and the Vice-Chairman.

**36. Amendment of resolution.**—Before implementation of any resolution passed by the Chairman-in-Council, if the *ex officio* Council Secretary is of opinion that the resolution is not in conformity with the provisions of the Act or the rules or the regulations made thereunder or the resolution is likely to go against the public interest, he may draw the attention of the Chairman for necessary amendment of the resolution.

**37. Issue of orders for execution or implementation.**—All orders for execution or implementation of the resolution or the policy decision of the Chairman-in-Council shall be issued to the *ex officio* Council Secretary by the Chairman.

**38. Exercise of executive powers of the Municipality.**—(1) All executive powers of the Municipality shall be exercised by the Chairman-in-Council over and above the powers mentioned in the Second Schedule. The Chairman-in-Council shall also exercise such other powers and discharge such other functions as may be delegated to it by the Municipality.

(2) All resolutions of the Chairman-in-Council shall be placed in the next ordinary meeting of the Municipality for consideration.

**39. Recommendation of Borough Committee or Ward Committee.**—(1) All the recommendations of the Borough Committee or Ward Committee requiring sanction of the Chairman-in-Council or Municipality shall be forwarded to the Chairman-in-Council through the *ex officio* Council Secretary.

(2) The Chairman-in-Council may hold meetings jointly with the Chairpersons of the Borough Committees or Ward Committees as and when required.

(3) The Chairman-in-Council may also sit with any Borough Committee or Ward Committee separately in the case of any emergency within its local limit.

## **FIRST SCHEDULE**

[See rule 23(1)]

### **List of departments and allocation of business among the members of the Chairman-in-Council**

#### **I. General Administration Department**

1. Office of the Board of Councillors.
2. Recruitment, control and management of officers belonging to the cadre of common Municipal Service and relations with Directorate of Local Bodies and Municipal Service Commission.
3. Delegation of powers to officers.
4. Broad personnel policy and planning and career management of all services.
5. Recruitment and management of all officers of all categories and relation with Municipal Service Commission.
6. Training of all services.
7. Vigilance and anti-corruption.
8. Grievance redressal and staff welfare.
9. Administrative reforms including organisation and methods.
10. Management consultation service.
11. Determination of ceremonial procedure and proceedings.
12. Conduct of activities involving relations with the Central and State Governments and local bodies.
13. Computer and data processing.
14. Municipal press.
15. Discharge of functions not specifically allotted to any other department.
16. Legal matters.
17. Information and public relations.
18. Establishment and administration of commercial projects and enterprises like municipal market and shopping complex.
19. Establishment and staff matter.
20. Auction.

#### **II. Accounts and Cash Department**

1. Municipal fund including cash.
2. Annual, interim and revised budget estimates.
3. Grants and loans.
4. Maintenance of accounts.
5. Audit including internal audit.

6. Treasury and bank.
7. Provident Fund of officers and employees.
8. Pension and retirement benefits of officers and employees.
9. Group Insurance and Salary Savings Insurance.

### **III. Revenue Department**

1. Assessment including assessment of Central and State Government properties and railway properties.
2. Liaison with Central Valuation Board.
3. Assessment Tribunal/Review Committee.
4. Collection of property tax and service charges including those in relation to Central Government and railway properties.
5. Collection of advertisement tax and other taxes.
6. Granting of licences.
7. Collection of fees and service charges.
8. Collection of rents from municipal properties and tolls from municipal ferries and bridges.

### **IV. Public Works Department**

1. Construction and maintenance of all buildings, roads, pathways, drains, and sewerages.
2. Executions and maintenance of general development works.
3. Road-rolling service.
4. Plan sanctioning.
5. Unauthorised buildings and insecure buildings.
6. Appeals against Orders relating to buildings.
7. Survey.
8. Preparation and maintenance of municipal map.
9. Maintenance of records of municipal properties including land.
10. Town planning.
11. Land and land use control.
12. Regulation of building uses.
13. Urban renewal, area development, spot development and commercial housing.
14. Bustee development.
15. Development of fringe areas.
16. House drainage and sewerage connection.
17. Beautification of the municipal area including municipal properties.

### **V. Water Supply Department**

1. Production of filtered water including filtration, chlorination and silt clearing, storage and distribution.
2. Management of unfiltered water including laying of pipe lines and maintenance thereof.
3. Operation of pumping and boosting stations.
4. Laying of primary and secondary grids of filtered water and maintenance thereof.
5. Water connection—domestic, non-domestic and community.
6. Sinking and maintenance of tubewells.
7. Water supply to the neighbouring area.

8. Supply of extra drinking water on special occasions.

#### **VI. Public Health and Convenience**

1. Medical service (hospital, dispensary, maternity and child health).
2. Health services—
  - (a) Health establishment.
  - (b) Conservancy and solid waste management.
  - (c) Drainage and sewerage.
  - (d) Vaccination.
  - (e) Registration of births and deaths.
  - (f) Burning ghat, burial ground and dumping ground.
  - (g) Other sanitary requirements.
3. Health immunisation programme and nutrition programme.
4. Family welfare and planning.
5. Food adulteration.
6. Slaughterhouse.
7. Motor vehicles and ambulance.
8. Control of environmental pollution.

#### **VII. Lighting and Electricity Department**

1. Street lighting.
2. Area lighting.
3. Maintenance of all types of pumps and motors (in relation to clean water and turbid water).
4. Lighting of municipal parks, buildings and other installations.
5. Electrical plants and machineries including photo electric and non-conventional energy sources.
6. Maintenance of electric crematoriums.

#### **VIII. Education Department**

1. Primary and Secondary Education.
2. Technical Education.
3. Adult and Non-Formal Education.
4. National Literacy Programme.
5. Cultural Development including Music and Art Education.
6. Sports and Physical Culture.
7. Library.
8. Creche.
9. In-service Teachers' Training Programme.

#### **IX. Stores Department**

1. Purchase and maintenance of stores.
2. Supply of stores to various departments.
3. Disposal of un-serviceable stores.

## SECOND SCHEDULE

[See rule 38(1)]

### Powers of the Chairman-in-Council

1. All executive actions of the Chairman-in-Council to be expressed to be taken in the name of the municipality [Section 13(3)].
2. All executive powers of the municipality [Section 15(3)].
3. Supervision of Borough Committee/Ward Committee [Sections 22 & 23].
4. Investment of Municipal Fund not required for immediate use [Section 68].
5. Action for covering the Expenditure not covered by the Budget Grant [Section 69(3)].
6. Disposal of movable property [Section 80(a)].
7. Preparation and maintenance of an inventory of movable and immovable properties and placing of annual statement of immovable properties before the Board of Councillors [Section 81].
8. Submission of accounts to the Auditor [Section 86].
9. Remedy of defects or irregularities pointed out in the audit report and reporting of the same to the Director of Local Bodies after obtaining the opinion of the Board of Councillors as may be necessary [Section 88(1)].
10. Compliance of the order of the State Government on audit report [Section 88(2)].
11. Exemption from property tax [Section 102].
12. Amalgamation or separation of lands or buildings or portions thereof [Section 108(6)].
13. Causing general valuation of all the holdings in a new municipal area and revision thereof at periodic intervals in the case of all other municipal areas [Section 109(2)].
14. Determination of annual value of all holdings within a municipal area, if so directed by the State Government, and publication of the assessment list [Section 110(2)].
15. Interim annual valuation of holdings and assessment thereon [Section 114].
16. Imposition of fine for not paying tax on advertisement [Section 126].
17. Registration and numbering of carts and carriages [Section 127].
18. Maintenance of ferry and providing safety and conveniences of travellers and safety of property to be conveyed on ferry [Section 133].
19. Making and publishing of order specifying the municipal ferries and the rates at which toll shall be levied on such ferries [Section 134].
20. Taking possession of all boats and other appliances used by the lessee on cancellation of ferry lease, and dealing with the same in the prescribed manner [Section 137].
21. Causing execution of work by its own agency and recovery of expenses incurred for the same from the owner on his failure to comply with the requirement of upgradation of a private street [Section 189(2)].
22. Issue of order for stoppage of irregular work of new private street and allied action in case of violation thereof [Section 192(5) and Section 192(6)].
23. According approval or otherwise to the layout plan [Section 193].
24. Entering into an agreement with any firm or company or other Government agency for using any post, poles or standards erected and maintained by such firm, company or other Government agency [Section 194].
25. Demolition of illegal building being constructed or any irregular work being carried on [Section 218(5)].
26. According permission for communication or connection from any main, service-main or distribution pipe or from any channel [Section 231].

27. To require the owner or the lessee or the occupier of building or land to obtain proper supply of wholesome water from municipal water-mains [Section 232].
28. Erection of hydrants or stand-posts for supply of wholesome water to the public [Section 233].
29. Cutting off of connection of water-supply [Section 239].
30. To permit digging or construction of well, tube-well, tank, pond, cistern or fountain and to require the owner or other person to fill up or demolish or retain such work [Section 240].
31. To take samples of water for drinking or culinary purposes, if so directed by the State Government [Section 242].
32. To provide for municipal drains to be cleansed, flushed and emptied from time to time [Section 248].
33. Providing for treatment and disposal of sewage [Section 249].
34. Removal of water logging or nuisances [Section 251].
35. Demolition, alteration, or remaking of, or otherwise dealing with, drain constructed without consent [Section 253].
36. Draining of group or block of buildings by combined operation [Section 254].
37. To enforce drainage of undrained premises and separate drainage in any premises [Section 255].
38. To require the owner or the occupier of non-residential premises to remove solid wastes accumulated therein [Section 266].
39. To grant general or special permission to use municipal market [Section 275(1)].
40. To impose conditions for slaughter of any animal on the occasion of any religious festival or ceremony and to require the owner or the occupier of any licensed private market to provide for various conveniences to the persons resorting to such market [Section 278(2) and Section 278(3)].
41. To expel persons contravening regulations in force in any municipal market, municipal slaughterhouse or municipal stockyard [Section 279].
42. To inspect places where unlawful slaughter of animals is suspected and to take follow-up action [Section 283].
43. To cause inspection and analysis of any food, drug or similar item of human consumption or utensil or vessel used for preparing or storing any such thing [Section 284].
44. To execute works where public road, drain, revetment on retaining-wall is affected [Section 323].
45. To prohibit occupation of unsafe or insanitary, buildings [Section 325].
46. To order immediate evacuation of the inmates from the imminently dangerous structures [Section 327(3)].
47. To take temporary measures in case of dangerous tank, pond, well, hole, stream, dam, bank or other place to prevent any danger therefrom [Section 329(2)].
48. To require the owner or the occupier of a building to provide additional or emergency staircase and to provide suitable exits to any building, booth or tent, used for public entertainment, as precautions against fire [Section 331(3)].
49. To require the owner or other person to fill up or demolish any well, tube-well, tank, pond, cistern, fountain or the like, constructed without permission, and to permit retention of such work in exceptional circumstances [Section 332(3)].
50. To require the owner, or the person having control, of any pool, ditch, tank, well, pond, swamp, quarry, hole, drain, cesspool, watercourse, collection of water or land, to fill up the same, if the same is a nuisance [Section 333(1)].
51. To require the owner, or the person having control, to clean insanitary private tank or well used for drinking purposes and to stop the use of water of such tank or well, if it is unfit for being used for drinking, bathing or washing purposes [Section 335].

52. To maintain all wells, tanks and reservoirs, which are not private property, in a clean condition [Section 336(1)].
53. To regulate or prohibit the washing of animals, clothes or other things or fishing in any spring, tank, well, or public watercourse [Section 337].
54. To prohibit washing by washermen at unauthorised places [Section 339].
55. To require the owner, or the person claiming to be the owner, of any building or land to secure, enclose, clear or cleanse the same in case it becomes a resort of idle or disorderly persons or becomes a nuisance for remaining unoccupied for the reason of abandonment, disputed ownership or other cause [Section 341].
56. To require the owner or the occupier of any building or room to abate overcrowding in such building or room [Section 342].
57. To issue notice to the owner or the occupier of any land or building requiring closure, removal, alteration, repair, cleansing or disinfection of any type of latrines to put the same to order and, on failure of such notice, to cause the work to be done by, and to recover the expenses thereof from, such owner or occupier [Section 349].
58. Destruction of infectious buildings, structures, huts or sheds [Section 355(1) and Section 355(2)].
59. Entry into any premises between the period of sunset and sunrise to stop irregular erection of any building or execution of any work, and even without notice in emergent cases [Sections 390 and 391].
60. Public notices—how to be made known [Section 392].
61. To recommend any officer or other employee of the municipality to be vested with the power of a police officer for the purposes of the Act [Section 409(3)].
62. To initiate actions in all matters relating to the exercise of statutory powers by the Board of Councillors.
63. To consider actions taken by the Chairman requiring *ex post facto* ratification by the Board of Councillors.

By order of the Governor,

A. K. Datta  
*Asst. Secy. to the Govt. of West Bengal.*

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