Government of West Bengal Department of Urban Development & Municipal Affairs NAGARAYAN, DF-8, Sector-I, Salt Lake City, Kolkata-700064

No. 208(150)/ UDMA-15011(24)/5/2024 -LS-MA SEC

From: Special Secretary to the Government of West Bengal.

- - 2. Director of Local Bodies, W.B., Poura Prashasan Bhavan, DD-1, Sec-I, Salt Lake, Kolkata-64.

Dated: 06-05.2024

- 3. Director, State Urban Development Agency.
- 4 8. Commissioner, Asansol/ Bidhannagar/ Chandernagore/ Durgapur/ Siliguri Municipal Corporation.
- 9. Chief Engineer, Municipal Engineering Directorate, West Bengal.
- 10. Private Secretary to Hon'ble Minister-in-Charge, U D & M A Department.
- 11. Sr. P S to Secretary, U D & M A Department.
- 12. Law Wing of this Department.
- 13. Section Officer, IT & e-Gov. Cell of this Department.

He is requested to arrange to upload the copy in the departmental website.

Sub: Circulation of the Guidelines for the Municipal Corporations governed by West Bengal Municipal Corporation Act, 2006 and Municipal bodies governed by West Bengal Municipal Act, 1993 to deal with the issues of unauthorized construction, illegal filling up of water bodies to construct buildings, dilapidated buildings and buildings unfit for human habitation etc.

Sir/ Madam,

I am directed to circulate the copy of Guidelines prepared by this Department to reiterate the relevant statutes of Act and Building Rules for the convenience of the Urban Local Bodies while discharging their obligatory duty of regulation of building operations diligently within their respective municipal jurisdictions.

Enclo: As stated.

Yours faithfully,

Special Secretary to the Government of West Bengal

Guidelines for the Municipal Corporations governed by West Bengal Municipal Corporation Act, 2006 and Municipal bodies governed by West Bengal Municipal Act, 1993 to deal with the issues of unauthorized construction, illegal filling up of water bodies to construct buildings, dilapidated buildings and buildings unfit for human habitation etc.

Department of Urban Development and Municipal Affairs Government of West Bengal

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Guidelines for the Municipal Corporations governed by West Bengal Municipal Corporation Act, 2006 and Municipal bodies governed by West Bengal Municipal Act, 1993 to deal with the issues of unauthorized construction, illegal filling up of water bodies to construct buildings, dilapidated buildings and buildings unfit for human habitation etc.

CHAPTER I

Introduction:-

The Department of Urban Development & Municipal Affairs quite often receives grievance petitions containing allegation of some incidents of unauthorized construction within the jurisdiction of different Municipal Corporations and Municipalities.

This has also been observed by the Department that a large no of writ petitions are filed before Hon'ble Courts on the ground of unauthorized construction and also alleging illegal filling up of water bodies within different municipal bodies.

In the above noted context, the Department has felt it necessary to reiterate relevant statutes of Act and Building Rules in the form of Guidelines for the convenience of the Urban Local Bodies (ULBs) while discharging their obligatory duty of regulation of building operations diligently within respective municipal jurisdictions.

CHAPTER II

Relevant legal provisions:-

Urban Local Bodies are required to keep surveillances on the construction works made by the developers, contractors or any other infrastructure developers so that compliance with the provisions of West Bengal Municipal (Building) Rules, 2007, the relevant provisions of respective Acts and the directions issued by this Department are ensured.

The relevant legal provisions that empowers concerned municipal bodies to deal with the issues of unauthorized construction, dilapidated buildings and buildings unfit for human habitation etc. are given below -

Provisions under the West Bengal Municipal Corporation Act, 2006

- (i) As per section 261A of the West Bengal Municipal Corporation Act, 2006, no person shall erect or commence to erect any building or execute any of the works specified in section 259 except with the previous sanction of the Commissioner and in accordance with the provisions of this Chapter and of the rules and the regulations made under this Act in relation to such erection of building or execution of work and on payment of such fees as may be prescribed (Page 7).
- (ii) Section 287 of the West Bengal Municipal Corporation Act, 2006 empowers the Commissioner of Municipal Corporations governed by the said Act to direct the owner who has erected unlawful construction to demolish the unauthorized construction at own expenses of the owner (Page 12-13).
- (iii) Section 289 of the West Bengal Municipal Corporation Act, 2006 empowers the Commissioner of Municipal Corporations governed by the said Act to stop unauthorized construction (Page -13).
- (iv) Provisions of section 268 of the West Bengal Municipal Corporation Act, 2006 empower the Commissioner of the Corporation to order for demolition of buildings which are dangerous, ruinous or unfit for human habitation (Page 9-10).

Provisions under the West Bengal Municipal Act, 1993

(i) The provision of section 204 of the West Bengal Municipal Act, 1993, says that no person shall erect or commence to erect any building or execute any specified building work, except with the previous sanction of the Board of Councillors and in accordance with the provisions of this Act and of the rules and the regulations made under this Act in relation to such erection of building or execution of work and on payment of prescribed fees (Page - 16-17).

- (ii) Sections 204A (Page -17-18), section 218 (Page -19-20) and section 220 (Page -20-21) of the West Bengal Municipal Act, 1993 empower the municipalities to demolish / to stop unauthorized construction in municipalities.
- (iii) Provisions of section 223 of the West Bengal Municipal Act, 1993 empower the BOC of the Municipality to order for demolition of buildings which are dangerous, ruinous or unfit for human habitation (Page -21-23).

• Provisions under the West Bengal Municipal (Building) Rules, 2007

- (i) As per rule 11 (1) of the West Bengal Municipal (Building) Rules, 2007, no person shall erect a new building, or re-erect or make addition to and/or alteration of any building or cause the same to be done without first obtaining a sanction in the form of a Building Permit from the Board of Councillors under these rules. Now, as per Rule 11 (3) of the said Rules, every person intending to erect a new building or to make addition and/or alteration to any building, shall apply for sanction, giving notice in writing in Form B attached to this rule along with certain application, documents, declaration etc. (Page 24-27).
- (ii) Rule 32 of West Bengal Municipal (Building) Rules, 2007 deals with demolition of unauthorized construction in municipal areas (Page 32-33).
- (iii) Rule 97 of the West Bengal Municipal (Building) Rules, 2007 wherein it has been stated that the demolition work to be executed taking care of adjoining structures under the supervision of qualified or empanelled structural engineer (Page 34).

CHAPTER III

Relevant Departmental orders

The Department sometimes has issued orders/ memorandums related to sanction of building plans following norms of Rules, measures to be taken by builders/owners during demolition of existing building in a congested residential area and during construction of buildings.

- All ULBs administered under the West Bengal Municipal Corporation Act, 2006 and West Bengal Municipal Act, 1993, has been directed vide this Department's letter No. 645(126)/UDMA-15011(24)/16/2023-LS-MA SEC, dated the 29th August, 2023 for strict compliance with the provisions of West Bengal Municipal (Building) Rules, 2007 and not to follow any separate Building Bye-Laws or decisions resolved in the BOC which are not in consonance with provisions of West Bengal Municipal (Building) Rules, 2007 (Page 35).
- Guidelines on specific precautionary measures to be taken by the owner/builder/lessee(s) during demotion of existing building in a congested residential area, was issued by this Department vide No. 748/UDMA-15011(12)/392/2022-LS-MA SEC Dated, Kolkata, the 4th October, 2023 (Page 36-44).
- Memorandum was issued by this Department vide No. 175/UDMA-15011(12)/392/2022-LS-MA SEC Dated, Kolkata, the 2nd April, 2024 prescribing preventive measures to be taken during construction by the concerned builder/ developer/ owner(s) to prevent noise, water and dust pollution, health hazards to the households residing in adjoining areas (Page 45-47).

CHAPTER IV

Prohibitory measures to stop illegal filling up of water bodies:-

- (i) In terms of sub-section 1 (b) of section 17A of West Bengal Inland Fisheries Act, 1984, filling up of any water area including embankment or naturally or artificially depressed land holding as aforesaid with a view to converting it into solid land for the purpose of construction of any building or for any other purpose is prohibited and Competent Authority can take measures as prescribed in the relevant sub-sections of section 17 A of the said Act in the event of any contravention (Page 48-51).
- (ii) In terms of Notification No. 1748-Fish/C-1/9R-03/2017 dated 20th July, 2017 of the Department of Fisheries, Aquaculture, Aquatic Resources & Fishing Harbours has notified Competent Authorities for Urban Local Bodies (Page 52).

CHAPTER V

Additional effective steps

Urban Local Bodies may decide to take the following steps that may be effective to prohibit unauthorized construction:

- (i) Checking of sanctioned building plan and CC before municipal mutation:- At the time of mutation i.e. transfer of title with respect to building/ flats/ structures, which are newly built, at first instance, the officials engaged for this purposes shall examine the copy of the sanctioned building plan to check whether the floor/ building/ flat under question has been sanctioned by the municipal body and completion certificate has been issued.
- (ii) **Disconnection of water connection:-** If the municipal bodies deem fit, may disconnect water supply connection from the sites where unauthorized construction is going on.
- (iii) Ward wise deployment of Inspection Team/Official/Engineers:- Urban Local Bodies in order to keep surveillance on all ongoing construction works may decide to depute team or officials ward wise authorizing them to cause inspection of work sites and building department of the ULBs may review the field level reports periodically.
- (iv) **Duties and responsibilities of Technical persons empanelled by ULBs:-** The ULBs shall see whether technical persons engaged by owners/builders are performing duties in terms of Rule 16 to 18A of the West Bengal Municipal (Building) Rules, 2007 (Page 28-31).

CHAPTER VI

Construction and Demolition Waste Management

- (i) The rapid removal of waste comprising of building materials, debris and rubble resulting from construction, re-modelling, repair and demolition of any civil structure from the site and from the road side etc. shall be ensured by the person responsible for construction and the ULB shall oversee the same.
- (ii) All kinds of Construction & Demolition Waste generated in different areas of Urban Local Bodies within Kolkata Metropolitan Area need to be sent to Patharghata Construction & Demolition Waste processing facility developed by Kolkata Municipal Corporation.

CHAPTER VII

Punitive actions against wrongdoers

- (i) Municipalities may start proceedings against such persons (as defined in the explanation of the West Bengal Municipal Act, 1993) who is responsible for construction of building in contravention of provisions of the Act and Rules made thereunder, in terms of section 204 A of the West Bengal Municipal Act, 1993 wherein such offence has been treated as cognizable and non-bailable within the meaning of Cr.PC, 1973 and are punishable for imprisonment for five years with fine of fifty thousand (Page 17).
- (ii) Similarly, municipal corporations governed under West Bengal Municipal Corporation Act, 2006 may start proceedings against such persons (as defined in the explanation of the Act, 2006) who is responsible for construction of building in contravention of provisions of the Act and Rules made thereunder, in terms of section 295 of the Act, 2006, wherein such offence has been treated as cognizable and non-bailable within the meaning of Cr.PC, 1973 and are punishable for imprisonment for five years with fine of fifty thousand (Page -14-15).
- (iii) **Technical persons** engaged under section 269 of West Bengal Municipal Corporation Act, 2006 shall also be subject to the provisions of section 295 of the Act, 2006, if there is any incident of loss of life of property or likely to be caused by reason of misconduct on the part of technical persons engaged. (Page -10-11).
- (iv) **Police assistance whenever** required may be taken by the municipalities in terms of section 220 of the West Bengal Municipal Act, 1993 (Page 20-21) and by the corporations in terms of section 289 of the West Bengal Municipal Corporation Act, 2006 (Page 13).

The guideline is issued in the public interest.

All concerned Urban Local Bodies are requested to arrange for strict adherence to the legal provisions reiterated in this guideline so that all the building operations are carried out keeping consonance with the provisions of law and stern action against offenders are taken as per statute of the Act and Rules.

262, except for a residential building to be erected or re-erected on a plot of 500 square metres or less of land with proposed height of building 15.5m or less and for all other categories of building other than residential building having 8.0m and less of height and shall forward its recommendation, to the Mayor-in-Council] :

Provided that during such scrutiny the Committee may consider matters related to preserving, developing and maintaining the aesthetic quality of urban and environmental design within the Corporation area and may, in respect of any building or any execution of work, if it affects or is likely to affect the skyline or the aesthetic quality 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 to affect-

- (a) the functioning of microwave systems for telecommunication purpose, or
- (b) any function for purposes of civil aviation, the Committee may, in accordance with such rules as may be framed in consultation with such departments or agencies of Government as have control on such matters, refer such cases to such departments for their opinions before finalizing its recommendations.
- (6) The Mayor-in-Council may refer any other matter, included in this chapter, to the Committee for its scrutiny and recommendation.
- (7) The Mayor-in-Council may consider the recommendations of the Committee and, the case of any modification, alteration or cancellation of the same, may record the reasons thereof in writing.

261. Use of land for erection of new building.—No person shall use any piece of land as a site for erection of a new building except in accordance with the provisions of this Act and the rules and the regulations made thereunder in relation to such use of land and erection of building.

¹[261A. Prohibition of building without sanction.—No person shall erect or commence to erect any building or execute any of the works specified in section 259 except with the previous sanction of the Commissioner and in accordance with the provisions of this Chapter and of the rules and the regulations made under this Act in relation to such erection of building or execution of work on payment of such fees as may be prescribed:

Provided that in the case of allowing incremental Floor Area Ratio over and above the prescribed limit of Floor Area Ratio in the prescribed manner, the rate or fee or charge payable for the additional FAR shall be decided in terms of 'Circle Rates' of the State Government, and the formula for this purpose shall be finalized by the State Government; and all such additional rates or fees or charges to be collected on account of granting additional Floor Area Ratio will be payable to the State Exchequer directly, and as may be

^{1.} Section 261A ins. by W.B. Act XVII of 2016, s. 14 (w.e.f. 6.2.2017).

decided by the State Government, a portion of the collected rates or fees or charges shall be allotted or transferred thereafter to the respective Corporation for undertaking developmental schemes.]

¹[262. Erection of building. — Every person who intends to erect a building shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form together with such fees and containing such information as may be prescribed:

Provided that the Corporation may also levy fees under this section with

retrospective effect on case to case basis.]

²[262A. Submission of online application form for sanction of building plan. - (1) Notwithstanding anything contained in this Act, the Corporation may make it mandatory for submission of application for sanction of building plan through online either for all or any of the categories of buildings, or for construction of building in any specific area or the entire area within its jurisdiction, and the process of Submission Of online application shall commence on and from the date as may be notified by the State Government in consultation with the Corporation.

(2) The provisions of section 262 shall not be applicable to the categories of buildings or areas of the Corporation which have been notified by the State Government under sub-section (1) for implementation of this section.

(3) For making provision of submission of online application under Sub-Section (1), the Corporation Shall make wide publication in such manner, as

may be prescribed.

(4) All the applications in this section shall be submitted to the Commissioner in soft form along with soft copies of such documents and plans as may be prescribed, and the modalities for submission of online application forms together with fee under this section shall be such as may be prescribed.

262B. Application for addition to or repairs of buildings. -(1) Every person who intends to execute any of the works specified in sub-clauses (b) to (m) of sub-section (1) of section 259 shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed.

(2) Every such notice shall be accompanied by such documents and plans

and fees as may be prescribed.

(3) For addition, alteration and repair of any building, falling under the categories of buildings which shall be notified by the State Government under sub-section (1) of section 262A, the modalities, as specified in that section shall be followed mutatis mutandis.

262C. Purpose for which building to be used and conditions of validity of notice. —(1) Every person giving any notice of his intention to erect a building under section 259 shall specify the purpose for which such building is intended to be used:

Section 262 ins. by W.B. Act XVII of 2016, s. 15 (w.e.f. 6.2.2017).

Section 262A, 262B and 262C ins. by ibid, s. 16 (w.e.f. 6.2.2017).

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of this Act, it may, for reasons to be recorded in writing, cause such building or work to be demolished forthwith.]

267. Prohibition on change of use of building.-(1) No person shall, without any permission, in writing, of the Commissioner, change, or allow the change of, the use of any building for any purpose, other than that specified in the order of sanction, or convert, or allow the conversion of, tenement under a particular occupancy or use group to be a tenement under another occupancy or use group.

(2) Where the Commissioner refuses to give such permission, he shall give the person, seeking permission, an opportunity of being heard before

making any order in writing in this behalf.

(3) Any person aggrieved by an order of the Commissioner under subsection (2) may, within thirty days from the date of the order, prefer an appeal to the Mayor.

268. Power to order demolition of buildings, dangerous ruinious or unfit for human habitation.-(1) Where the Commissioner, upon any information in its possession, is satisfied that any building is unfit for human habitation and is not capable, at a reasonable expense, of being rendered fit, it shall serve upon the owner of the building and upon any other person having an interest in the building, whether as lessee, mortgage or otherwise, a notice to show cause within such time as may be specified in the notice as to why an order of 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 the Commissioner and gives an undertaking that such person shall, within a period specified by the Commissioner, execute such work of improvement in relation of the building as will, in the opinion of the Commissioner, render the building fit for human habitation or that the building shall not be used for human habitation until the Commissioner, on being satisfied that it has been rendered fit for human habitation, cancels the undertaking, the Commissioner shall not make an order of demolition of the building.

(3) If no such undertaking as is referred to in sub-section (2) is given or if, in a case where any such undertaking has been given, any work of improvement to which the undertaking relates is not carried out within the specified period or the building is used in contravention of the terms of the undertaking, the commissioner shall forthwith make an order of demolition of the building requiring that the building shall be vacated within such period, not being less than sixty days from the date of the order, as may be specified in the order, and demolished within ninety days after the expiration of the period.

(4) Where an order of demolition of a building under this section has been made, the owner of the building or any other person having an interest therein shall demolish the building within the period specified in the order, and if the building is not demolished within such period, the Commissioner shall demolish the building and sell the materials

- (5) Any expenses incurred by the Commissioner under sub-section (4), thereof. which cannot be met out of the proceeds of sale of materials of the building, shall be recovered from the owner of the building or any other person having an interest therein as an arrear of tax under this Act.
- (6) In determining for the purpose of this section, whether a building is unfit for human habitation, regard shall be had to its condition in respect of the following matters, that is to say,-
 - (a) repair;
 - (b) stability;
 - (c) freedom from damp;
 - (d) natural light and air;
 - (e) water supply;
 - (f) drainage and sanitary conveniences;
 - (g) facilities for storage, preparation of cooking of food and for the disposal of rubbish, filth and other polluted matter;

and the building shall be deemed to be unfit as aforesaid if it is so defective in one or more of the matters as aforesaid that it is not reasonably suitable for the occupation in that condition.

- (7) For the purpose of this section, "work of improvement" in relation to a building shall include any one or more of the following works, namely:-
 - (a) necessary repair;
 - (b) structural alterations;
 - (c) provision of light points and water taps;
 - (d) construction of drain, open or covered;
 - (e) provision of latrines and urinals;
 - (f) provision of additional or improved fixtures and fittings;
 - (g) opening up or paving of courtyard;
 - (h) removal of rubbish, filth and other polluted and obnoxious
 - any other work, including the demolition of any building or any part thereof, which, in the opinion of the Commissioner, is necessary for executing any of the works specified in clauses (a)

¹[269. Engagement of Technical presons.—(1) Every person, who intends to erect, add to, or alter, any building, shall, subject to the provisions of this Act, engage such technical person and in such manner as may be prescribed.

(2) The Categories, the qualifications, competence, duties and responsibilities and the manner of enrolment, of the technical persons shall be such as may be prescribed.

^{1.} Section 269 subs. by W.B. Act XVII of 2016, s. 22 (w.e.f. 6.2.2017).

(3) If, in any case, any loss of life of property is caused, or is likely to be caused, by reason of any misconduct on the part of a technical person engaged under sub-section (1), such technical person shall be subject to the provisions of section 295.

Explanation. — For the purposes of this section, the expression "technical person" shall mean a technical consultant.]

- 270. Rules regulating use etc. of building.-The State Government may, in addition to, or in modification of, Schedule IV, make rules regulating-
 - (a) restriction of the use of site of building;
 - (b) fire protection measures and structural and other safeties of building;
 - (c) conveniences and amenities in building, including quality of materials, plumbing services, and workmanship;
 - (d) architectural designs of buildings; and
 - (e) building uses for the purpose of residence, hospital, nursing home, factory, warehouse, eating-house, theatre, cinema, commercial institution, and educational building.

271. Power to regulate future construction of building in any particular street or locality. -(1) The Corporation may give public notice of its intention to declare-

- (a) that in any street or portion thereof specified in such notice, the elevation and construction of the frontage of a building or a class of building, erected or re-erected after such notice, shall, in respect of the architectural features of such building or class of building, be such as the Corporation may consider suitable to the locality; or
- (b) that in any locality specified in such notice, there shall be allowed re-erection of only detached or semi-detached buildings or of both, and that the land appurtenant to each such building shall be of an area of not less than that specified in such notice;
- (c) that the division or sub-division of building plots in a particular locality shall be of a specified area; or
- (d) that in any locality specified in the notice, the construction of more than a specified number of buildings on each acre of land shall not be allowed; or
- that in any street, portion of street or locality specified in such notice, the construction of any one or more of the different classes of buildings, such as residential, commercial, mercantile, industrial, institutional, storage, or hazardous buildings, shall not be allowed without the special permission of the Corporation.
- (2) The Corporation shall, at a meeting, consider all suggestions or objections, received within a period of three months of the publication of

Explanation. - An addition to, or alteration of, a building shall be deemed to be material if it-

- (a) increases or diminishes the height of the area covered by, or affects the cubical contents of the building or any part thereof;
- (b) affects or likely to affect prejudicially the stability and safety of building in respect of sewerage, drainage, ventilation and environmental safety; or
- (c) converts the building or any part thereof from one "occupancy" or "use" to another "occupancy" or "use"; or
- (d) is an addition or alteration as defined in the rules and regulations made under this chapter.

286. Power of the Commissioner to cancel permission on the ground of material misrepresentation by applicant. - If, at any time, sanction to erect any building has been given and the Commissioner is satisfied that such sanction was given in consequence of any material misrepresentation or fraudulent statement contained in the plans, elevation section or specifications or land or any material particulars submitted in respect of such building, it may cancel such sanction, and any work done thereunder shall be deemed to have been done without sanction.

287. Unauthorised construction. - Subject to the provision of section 266 if the Commissioner is satisfied that-

(a) the erection of any building-

- has been commenced without obtaining sanction or permission under this Act or the rules or the regulations made thereunder or has been completed otherwise than in accordance with the particulars on which such sanction or permission is based or after such sanction or permission has been lawfully withdrawn, or
- (ii) is being carried on, or has been completed, in contravention of any provision of this Act or the rules or the regulations or the bye-laws made thereunder, or
- (b) any building or projection exists in violation of any condition, direction or requisition, lawfully given or made under the provisions of this Act or the rules or the regulations made thereunder, or
- any material alteration of, or addition to, any building has been commenced, or is being carried on, or has been completed, in contravention of any provision of this Act or the rules made

it may, after giving the owner of the building a reasonable opportunity thereunder, of being heard, make an order directing that such erection, building, projection, alteration, or addition, as the case may be, or so much thereof as has been executed unlawfully, or such building or existing structure,

be demolished or altered, and, upon such order, it shall be the duty of such owner to cause such demolition or alteration to the satisfaction of the Commissioner, and within such period, as may be fixed in this behalf, and in default, such erection, building, projection, or addition, as the case may be, may be demolished or altered by the Commissioner at the expense of such owner.

288. Power to stop excavation.-Notwithstanding anything contained in this Act or in any other law for the time being in force, if, during excavation or any other operation for the 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, or gas pipe) is touched or is likely to be touched, or if the Commissioner is of opinion that such excavation may cause danger to public, the Commissioner may, by an order in writing, stop forthwith any such excavation or operation till the matter is investigated and decided.

289. Power to stop unauthorised construction. -(1) In any case in which the erection of a building, or any other work connected therewith, has been commenced, or is being carried on, unlawfully, having regard to the provisions of this chapter, the Commissioner may, by a notice in writing, require the person carrying on such erection of building or other work to discontinue such erection of building or other work forthwith, pending further proceedings in respect thereof.

(2) If any notice issued under sub-section (1) is not duly complied with, the Commissioner may, with the assistance of the police, if necessary, take such steps as he may consider necessary to stop the continuance of such

erection of building or other work, as the case may be.

(3) If it appears to the Commissioner that it is necessary so to do in order to prevent the continuance of such erection of building or other work, he may depute any police officer or any officer of the Corporation to watch such erection of building or other work, and the cost of deputing such police officer or officer of the Corporation, as the case may be, shall be borne by the person to whom the notice was issued under sub-section (1).

¹[289A. Power to order building to be vacated in certain circumstances.— (1) The Commissioner may, by order in writing, direct that any building, which in his opinion is in a dangerous condition or is not provided with sufficient means of egress in case of fire or is occupied in contravention of section 263 or section 282, be vacated forthwith or within such period as may be specified in the order:

Provided that at the time of making such order, the Commissioner shall

record a brief statement of the reasons therefor.

(2) If any person fails to vacate the building in pursuance of such order, the Commissioner may direct any police officer to remove such person from the building and the police officer shall comply with such direction.

^{1.} Sections 289A and 289B ins. by W.B. Act XVII of 2016, s. 28 (w.e.f. 6.2.2017).

(2) The Commissioner may specify any conditions for providing, within the premises, space for the vendors catering to the public needs, if

necessary, in connection with such purposes.

293. Conditions for grant of permission.—(1) In case of any premises for the use of which a licence or permission is required from Government or any statutory body under any law for the time being in force, the Commissioner shall not grant any permission under this Act to any person until such person produces before the Commissioner the licence or the permission from Government or statutory body, as the case may be, and submits duly authenticated copies thereof to him:

Provided that in the case where production of a municipal permission is a precondition for the grant of a licence or permission under any other law for the time being in force, the Commissioner may grant a provision which shall become final upon production of a licence or permission under

the said law:

Provided further that such provisional permission shall have validity only for the purpose of fulfilling any precondition for the licence or the permission under any other law as aforesaid.

(2) Notwithstanding anything contained in this Act, the Commissioner may, while granting permission under this chapter, specify such special conditions, relevant to each case, regarding disposal of solid liquid or gaseous wastes or for parking of vehicles or for loading or unloading of goods or for abatement of nuisance of any kind whatsoever as he deems fit.

294. Power to fix lamps, brackets, etc. to the buildings.—The Commissioner may erect or fix to the outside of any building brackets for lamps to be lighted with oil or, subject to the provisions of the Electricity Act, 2003, for lamps to be lighted with electricity or otherwise or, subjects to the provisions of the Indian Telegraph Act, 1885, for telegraph wires or telephones wires for the conduct of electricity for locomotive purposes. Such brackets shall be so erected or fixed as may not occasion any inconvenience or nuisance to the occupants of the said building or of any other building in the neighbourhood or to the public.

295. Construction of building in contravention of provisions of the Act or the rules made thereunder.—(1) Notwithstanding anything contained in this Act or the rules made thereunder or in any other law for the time being in force, any person, who, being responsible by himself or by any other person on his behalf, so constructs, or attempts to so construct, or conspires to so construct, any new building, or additional floor or floors of any building, in contravention of the provisions of this Act or the rules 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 the road traffic is disrupted or is likely to be disrupted, or is likely to cause a fire hazard, shall be punishable with imprisonment of either description for a term which may extend to five years and also with fine which may extend to fifty thousand rupees.

Explanation.—"Person" shall include an owner, occupier, 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 building, or additional floor or floors of any building.

- (2) The offence under sub-section (1) shall be cognizable and non-bailable within the meaning of the Code of Criminal Procedure, 1973.
- (3) Where an offence under sub-section (1) has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation. - For the purposes of this section, -

- (a) "company" means a body corporate, constituted under any law for the time being in force, and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm. ¹[295A. Municipal Building Tribunal for Corporation.—(1) The State Government shall, by notification in the Official Gazette, appoint a Municipal Building Tribunal (hereinafter referred to. as "the Tribunal") for each of the Corporations under this Act to hear and decide appeals under this Chapter as and when required, upon obtaining formal proposal for this purpose.
- (2) The Tribunal shall consist of a Chairman and such other members not exceeding fourteen as the State Government may determine.
- (3) The Chairman shall be a person who is or has been a member of the West Bengal Judicial Service having such experience as may be prescribed.
- (4) A Technical Member shall be a person who shall have knowledge or experience in town planning, civil engineering or architecture as may be prescribed.
- (5) The Chairman and the other members of the Tribunal shall be appointed by the State Government for such period and on such terms and conditions as the State Government may determine, and shall be paid out of the Municipal fund:

Provided that a Councillor or a person who is, or has been, an officer or employee of the Corporation shall not be eligible for appointment as a member of the Tribunal.

^{1.} Sections 295A and 295B ins. by W.B. Act XVII of 2016, s. 29 (w.e.f. 6.2.2017).

notice published under sub-section (1), with such modifications; if any, as it , , may think fit.

- (4) Every such declaration shall be published in the manner prescribed and shall take effect from the date of such publication.
- (5) No person shall, in any area specified in the declaration published under sub-section (4), use any premises for any purpose specified in the declaration, and the Chairman shall have the power to stop the use of any such premises by such means as he considers necessary.
- (6) The Board of Councillors shall ensure that such declaration is in conformity with the provisions of any Development Plan, if in force, under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979).
- 203. Approval of building-sites and sanction of plan for erection of buildings.-No piece of land shall be used as a site for the erection of a building unless such site has been so approved 1[on payment of a fee at such rate as may be prescribed, and] within the prescribed period, and no building shall be erected unless a building plan has been sanctioned for such erection ²[on payment of a fee at such rate as may be prescribed, and] in accordance with the provisions of this Chapter and of the rules and the regulations made under this Act:

Provided that no piece of land shall be approved for the erection of a building and no building plan shall be sanctioned unless a certificate from the competent authority, as defined in clause (d) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976), to the effect that there is no objection to the transfer of the land under sub-section (3) of section 5 of that Act, has been submitted along with the application for sanction of building plan under the rules made under this Act:

Provided further that if the competent authority as aforesaid does not issue the certificate within three months from the date of application for such certificate, it shall be presumed that the "no objection certificate" has been issued by it and no further reference to it shall be necessary.

204. Prohibition of building without sanction.—No person shall erect or commence to erect any building or execute any specified building work, except with the previous sanction of ³[the Committee appointed by the Board of Councillors consisting of such members as may be prescirbed] and in accordance with the provisions of this Chapter and of the rules and the regulations made under this Act in relation to such erection of building or ⁴[execution of work and on payment of such fee as may be prescribed:]

Ins. by s. 15(1) of the W.B. Municipal (Amendment) Act, 2006, (W.B. Act XXII of 2006), w.e.f. 1.10.2006.

Ins. by s. 15(2) ibid, w.e.f. 1.10.2006.

Subs. by s. 7 of the West Bengal Municipal (Amendment) Act, 2022 (W.B. Act XVIII of 2022), w.e.f. 1.4.2023, for the words "the Board of Councillors".

^{4.} Subs. by s. 2(1) of the W.B. Municipal (Third Amendment) Act, 2015, (W.B. Act XIX of 2015), w.e.f. 1.8.2015, for the words "execution of work.".

¹[Provided that in case of allowing incremental Floor Area Ratio over and above the prescribed limit of Floor Area Ratio in the prescribed manner, rate or fee or charge payable for additional Floor Area Ratio shall be decided in terms of "Circle Rates" of the State Government, and the formula for this purpose shall be finalised by the State Government, and all such additional fees or charges to be collected on account of granting of additional Floor Area Ratio will be payable to the State Exchequer directly, and as may be decided by the State Government, a portion of the collected fees or charges shall be allotted or transferred to the Municipalities for undertaking developmental schemes.]

²[204A. Construction of building in contravention of provisions of the Act or the rules made thereunder.—(1) Notwithstanding anything contained in this Act or the rules made thereunder or in any other law for the time being in force, any person, who, being responsible by himself or by any other person on his behalf, so constructs or attempts to so construct or conspires to so construct any new building or additional floor or floors of any building in contravention of the provisions of this Act or the rules made thereunder as endangers or is likely to endanger human life, or any property of the Municipality whereupon the water-supply, drainage or sewerage or the road traffic is disrupted or is likely to be disrupted, or is likely to cause a fire hazard, shall be punishable with imprisonment of either description for a term which may extend to five years and also with fine which may extend to fifty thousand rupees.

Explanation.—"Person" shall include an owner, occupier, 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 building 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 the Code of Criminal Procedure, 1973 (2 of 1974).
- (3) Where an offence under sub-section (1) has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Proviso added by s. 2(2) of the W.B. Municipal (Third Amendment) Act, 2015, (W.B. Act XIX of 2015), w.e.f. 1.8.2015.

Ins. by the W.B. Act XXXII of 1997, w.e.f. 18.3.1998.

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Explanation.—For the purposes of this section,—

- (a) "company" means a body corporate, and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.]
- 205. Application with building plan to erect or re-erect building.—Every person, who intends to erect or re-erect a building, shall first submit an application with a building plan in such form, accompanied by such plans and specifications, and containing such information, as may be prescribed or as may be required by the rules made under section 198.
- ¹[205A. Submission of online application form for sanction of building plan.—(1) Notwithstanding anything contained in this Act, the Board of Councillors may make it mandatory for submission of application for sanction of building plan through online either for all or any of the categories of buildings, or for construction of building in any specific area or the entire area within its jurisdiction, and the process of submission of online application shall commence on and from the date as may be notified by the State Government in consultation with the Municipality.
- (2) Upon issuance of notification by the State Government under subsection (1), the provisions of section 205 shall not be applicable to the categories of buildings or areas of the Municipality which have been notified by the State Government for implementation of this section.
- (3) For making provision of submission of online application under subsection (1), the Municipality shall make wide publication in such manner, as may be prescribed.
- (4) All the applications in this section shall be submitted in soft form along with soft copies of such documents and plans as may be prescribed or as may be required by the rules made under section 198, and the modalities for submission of online application forms together with fee under this section shall be such as may be prescribed.]
- 206. Purpose for which building to be used and conditions of validity of notice.—(1) Every person making an application to erect or re-erect a building shall specify the purpose for which such building is intended to be used.
- (2) ²[The Committee referred to in section 204] may require that a building may not be erected or re-erected for more than one occupancy or use or contrary to such mixed uses as ²[The Committee referred to in section 204] may, from time to time, determine consistent with the provisions of this Act or any other law for the time being in force.

Ins. by s. 6 of the West Bengal Municipal (Amendment) Act, 2018 (W.B. Act IX of 2018), w.e.f. 1.5.2018.

Subs. by s. 8 of the West Bengal Municipal (Amendment) Act, 2022 (W.B. Act XVIII of 2022), w.e.f. 1.4.2023, for the words "The Board of Councillors".

Explanation.—An addition to, or alteration of, a building shall be deemed to be material if it—

- (a) increases or diminishes the height of the area covered by, or affects the cubical contents of, the building or any part thereof; or
- (b) affects or is likely to affect prejudicially the stability and safety of building in respect of sewerage, drainage, ventilation, and environmental safety; or
- (c) converts the building or any part thereof from one "occupancy" or "use" to another "occupancy" or "use"; or
- (d) is an addition or alteration as defined in the rules and the regulations made under this Chapter.
- 217. Power to Board of Councillors to cancel permission on the ground of material misrepresentation by applicant.—If, at any time, sanction or provisional sanction to erect any building has been given and the Board of Councillors is satisfied that such sanction was given in consequence of any material misrepresentation or fraudulent statement contained in the plans, elevation sections or specifications or land or any material particulars submitted in respect of such building, it may cancel such sanction, and any work done thereunder shall be deemed to have been done without sanction.
- 218. Order for demolition or alteration of buildings in certain cases.—

 (1) If the Board of Councillors is satisfied—
 - (a) that the erection of any building-
 - (i) has been commenced without obtaining sanction or permission under the law, or
 - (ii) is being carried on or has been completed otherwise than in accordance with the particulars on which such sanction or permission was based, or after such sanction or permission has been lawfully withdrawn, or
 - (iii) is being carried on or has been completed in breach of any provision contained in this Act or in the Schedule or in any rules or regulations in this behalf, or
 - (b) that any building or projection exists in violation of any condition, direction or requisition lawfully given or made under this Act or the rules or the regulations made thereunder, or
 - (c) that any material alteration of, or addition to, any building has been commenced or is being carried on or has been completed in breach of any provision contained in this Act or the Schedule or in any rules or regulations in this behalf,

it may, after giving the owner of the building a reasonable opportunity of being heard, make an order directing that such erection, alteration, addition or projection, as the case may be, or so much thereof as has been executed unlawfully, be demolished or altered and, upon such order, it shall be the duty of the owner to cause such demolition or alteration to the satisfaction of the

Board of Councillors within such period as may be fixed in this behalf. In default, such erection, alteration, addition or projection, as the case may be, Ss. 218-220]

demolished or altered by the Board of Councillors at the expense of the said

- (2) The procedure relating to the opportunity of hearing to be given to the owner of the building under sub-section (1) shall be such as may be owner.
- (3) An appeal against an order made by the Board of Councillors in this prescribed. behalf shall lie with the 1[Court having jurisdiction].
- (5) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Chapter, if the Chairman-in-Council is of opinion that immediate action is necessary in respect of any building being constructed, or any work being carried on, in contravention of the provisions of this Act, it may, for reasons to be recorded in writing, cause such building or work to be
 - 219. Power to stop excavation.—If, during excavation or any other operation for the purpose of construction of any building or execution of any demolished forthwith. work, any of the underground utilities (such as electric or telephone cables, water-supply, sewerage and drainage mains, and gas pipe) is touched or is likely to be touched or if the Chairman is of opinion that such excavation may cause danger to public, he may, by a written order, stop forthwith any such excavation or other work till the matter is investigated and decided to his
 - 220. Power of ³[Executive Officer] to stop unauthorised construction.— (1) In any case in which the erection of a building or any other work connected satisfaction. therewith has been commenced or is being carried on unlawfully, the ³[Executive Officer] may, by written notice, require the owner or the person carrying on such erection or unlawful work to discontinue the same forthwith, pending further proceedings as respects such unauthorised construction.
 - (2) If any notice issued under sub-section (1) is not duly complied with, the 4[Executive Officer] may, with the assistance of the police or any employee of the Municipality, if necessary, take such steps as he may deem fit to stop the continuance of the unlawful work.

Subs. by the W.B. Act XIII of 1995, w.e.f. 5.9.1995 for "Municipal Appellate Tribunal 1.

Omitted by ibid, w.e.f. 5.9.1995, which stood earlier as under: constituted under this Act".

[&]quot;(4) The order of the Tribunal shall be final and conclusive and shall not be

Subs. by s. 8(a) of the West Bengal Municipal (Amendment) Act, 2017 (W.B. Act XI questioned in any court of law.". of 2017), w.e.f. 1.4.2017, for "Chairman".

Subs. by s. 8(b) ibid, w.e.f. 1.4.2017, for "Chairman".

- (3) If it appears to the ¹[Executive Officer] that it is necessary, in order to prevent the continuation of the unlawful work, to depute any police or employee of the Municipality to watch the premises, the cost of providing the same shall be borne by the person to whom the said notice was addressed.
- **221.** Power to require alteration of existing buildings.—(1) The Board of Councillors may, with a view to promoting safety, convenience, privacy or sanitation or to securing conformity with the provisions of this Act and the rules and the regulations made thereunder, by order stating reasons in writing, require the owner of any existing building to make such alterations therein within such period as may be specified in the order:

Provided that before making any such order, the Board of Councillors shall give a reasonable opportunity to the owner to show cause why such order should not be made.

- (2) An appeal against an order made by the Board of Councillors under this section shall lie with the Municipal Appellate Tribunal constituted under this Act.
- 222. Maintenance of buildings.—(1) The Board of Councillors may, for sufficient reasons, by an order require the owner or the occupier of any building abutting on a public or private street to keep the external parts of the building, including the roof thereof, in proper repair with lime plaster or other material or properly painted to the satisfaction of the Board of Councillors.
- (2) If such owner or occupier makes persistent default in carrying out an order made in this behalf, the Board of Councillors may itself carry out the work and recover the cost thereof from the owner or the occupier of the building, as the case may be.
- (3) Notwithstanding anything contained in any other law for the time being in force, the Board of Councillors may apportion the costs incurred under subsection (1) or sub-section (2) between the owner and the occupier in such manner as it may consider just and reasonable.
- (4) The Board of Councillors may create and administer a special fund for maintenance as well as improvement of buildings in any area on corporate basis in accordance with such procedure as may be prescribed.
- 223. Power to order demolition of buildings, dangerous, ruinous or unfit for human habitation.—(1) Where the Board of Councillors, upon any information in its possession, is satisfied that any building is unfit for human habitation and is not capable, at a reasonable expense, of being rendered fit, it shall serve upon the owner of the building and upon any other person having an interest in the building, whether as lessee, nortgagee or otherwise, a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.
- (2) If any of the persons upon whom a notice has been served under subsection (1) appears, in pursuance thereof, before the Board of Councillors and gives an undertaking that such person shall, within a period specified by the

^{1.} Subs. by s. 8(c) of the West Bengal Funicipal (Amendment) Act, 2017 (W.B. Act XI of 2017), w.e.f. 1.4.2017, for "Chairman".

Board of Councillors, execute such work of improvement in relation to the building as will, in the opinion of the Board of Councillors, render the building fit for human habitation or that the building shall not be used for human habitation until the Board of Councillors, on being satisfied that it has been rendered fit for human habitation, cancels the undertaking, the Board of Councillors shall not make an order of demolition of the building.

- (3) If no such undertaking as is referred to in sub-section (2) is given or if, in a case where any such undertaking has been given, any work of improvement to which the undertaking relates is not carried out within the specified period or the building is used in contravention of the terms of the undertaking, the Board of Councillors shall forthwith make an order of demolition of the building requiring that the building shall be vacated within such period, not being less than sixty days from the date of the order, as may be specified in the order, and demolished within ninety days after the expiration of that period.
- (4) Where an order of demolition of a building under this section has been made, the owner of the building or any other person having an interest therein shall demolish the building within the period specified in the order, and if the building is not demolished within such period, the Board of Councillors shall demolish the building and self the materials thereof.
- (5) Any expenses incurred by the Board of Councillors under sub-section (4), which cannot be met out of the proceeds of sale of materials of the building, shall be recovered from the owner of the building or any other person having an interest therein as an arrear of tax under this Act.
- (6) In determining, for the purposes of this section, whether a building is unfit for human habitation, regard shall be had to its condition in respect of the following matters, that is to say,—
 - (a) repair;
 - (b) stability;
 - (c) freedom from damp;
 - (d) natural light 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, filth and other polluted matter;

and the building shall be deemed to be unfit as aforesaid if it is so defective in one or more of the matters as aforesaid that it is not reasonably suitable for occupation in that condition

- (7) For the purposes of this section, "work of improvement" in relation to a building shall include any one or more of the following works, namely—
 - (a) necessary repairs;
 - (b) structural alterations;
 - (c) provision of light points and water taps;
 - (d) construction of drains, open or covered;

- (e) provision of latrines and urinals;
- (f) provision of additional or improved fixtures and fittings;
- (g) opening up or paving of courtyard;
- (h) removal of rubbish, filth and other polluted and obnoxious matter;
- (i) any other work, including the demolition of any building or any part thereof, which, in the opinion of the Board of Councillors, is necessary for executing any of the works specified in clauses (a) to (h).
- 224. Power to fix lamps, brackets, etc. to buildings.—The Board of Councillors may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or, subject to the provisions of the Indian Electricity Act, 1910 (9 of 1910), for lamps to be lighted with the electricity or otherwise or, subject to the provisions of the Indian Telegraph Act, 1885 (13 of 1885), for telegraph wires or telephone wires or wires for the conduct of electricity for locomotive purposes. Such brackets shall be so erected or fixed as may not occasion any inconvenience or nuisance to the occupants of the said building or of any other building in the neighbourhood or to the public.
- 225. Powers to make regulations regarding buildings.—(1) The Board of Councillors may make regulations, consistent with the provisions of this Act and the rules made by the State Government thereunder.
- (2) Such regulations may supplement the provisions of this Act and the rules as aforesaid on the following matters, namely—
 - (a) plans, specifications and other documents or particulars to be furnished with any application for building plan;
 - (b) alteration or addition of any specific description, not falling within the scope of the provisions of this Chapter;
 - (c) fees in accordance with such scale for plans, specifications, and information as are not otherwise provided for;
 - (d) type or description of building which, and the purposes for which a building, may or may not be erected in any specified area or areas;
 - (e) licensing of builders surveyors and plumbers for erection of buildings as well as fees to be paid by builders, surveyors and plumbers for obtaining such licence and the qualifications to be possessed by them for the purposes of this Act;
 - (f) precautions to be taken during construction of a building, including scaffolding, fencings, and storing of materials;
 - (g) materials and method of construction to be used for external partywalls, roofs and floors;
 - (h) materials and method of construction of fireplace, chimneys, drains, privies, urinals and cesspools;
 - (i) ventilation and flushing of drains, latrines, urinals and cesspools, and the provisions of access thereto from streets, and where a sewerage system has been provided, the connection of service privies with a sewer and the method of connection;

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"mother plot" is developed as public open space. The width of each such open space shall not be less than 10.00 metres and each such open space shall abut a street having a width of not less than 7.00 metres. The minimum area of each such open space in one parcel shall be 400 square metres. This open space shall be in addition to the land required for providing the means of access to the individual plots obtained by sub-division of "mother plot".

- (5) For "mother plots" measuring more than 25,000.00 sq. metres in area, sub-division may be allowed, provided seven per cent of the total area of the mother plot is reserved for use for facilities like school, health centre, market, police outpost, milk booth, post office, power sub-station, transport terminal, tree cover, rain water harvesting, sewage recycling, water treatment plant, sewage treatment plant and the like. Such land shall abut a street having a width of not less than 10.00 metres in addition to the land necessary for means of access and for open spaces mentioned in sub-rule (3).
- 10. Masonry building not to be erected without special permission in certain cases.—(1) Save with the special permission of the Board of Councillors, no building, other than a hut, shall be erected unless—
 - (a) the site of such building abuts on a public street or a projected public street or a private street duly sanctioned and constructed in accordance with the provisions of the Act or any other law in force immediately before the commencement of the Act; or
 - (b) there is access to the building from any such street by a passage or pathway appertaining to such site, and not less than 2.40 metres wide at any part.
- (2) No building shall be erected so as to deprive any masonry or framed building of the appropriate means of access.
 - (3) The following buildings shall be exempt from the operation of this rule:—
 - (a) any building erected or intended to be erected by or with the sanction of the competent authority for use solely as a temporary hospital for the reception and treatment of persons suffering from any infectious or contagious disease;
 - (b) any hoarding or like means of protection (other than a masonry wall) which the owner of any premises certifies to the competent authority, not less than seven days after erection, to have been erected for the purpose of preventing threatened acquisition of any easement over his own premises or any portion thereof, provided the stability of such hoarding or other means of protection is certified by the competent authority.

B. Submission of Building Plan

11. Application to the Board of Councillors with a building plan for permission; to erect a new building or to make addition or alteration to a building.—(1) No person shall erect a new building, or re-erect or make addition to and/or alteration of any building or cause the same to be done without first obtaining a sanction in the form of a Building Permit from the Board of Councillors under these rules.

- (2) Notwithstanding the provisions of sub-rule (1), no Building Permit shall be required subject to consideration of structural safety of the said building as well as adjoining structure at the responsibility of owner and further subject to prior intimation to the Municipal Authority for,-
 - (a) erection, re-erection, addition to, or alteration of-
 - (i) an internal partition wall which does not violate any of the provisions of the Act or these rules, or
 - (ii) a parapet wall or a cornice or chajja within the boundaries or the site are not overhanging a street, so, however, that the total height of the parapet wall shall not be more than 1.50 metres and width of the cornice or chajja shall not be more than 50 centimetres;
 - (b) repairing of a staircase or lift-shaft; boundary wall;
 - (c) white washing or painting;
 - (d) reflooring of the surface of an existing floor;
 - (e) re-construction of an existing damaged roof without changing the character and dimension of such roof;

Provided that no such work as is referred to in clauses (a) and (c) shall be undertaken without giving the Board of Councillors fifteen days notice in writing stating the nature of work proposed to be undertaken;

- (f) erection of a false ceiling in any floor for air-conditioning, lighting or decorative purpose;
- (g) plastering and patch work;
- (h) providing or closing, an internal door or window, or a ventilator, not opening directly opposite a door or a window of another building;
- (i) replacing of fallen bricks, stones or repairing of damaged pillars or beams;
- (i) repairing or renewing existing plumbing services;
- (k) carrying out such other work as is necessary in the opinion of the Board of Councillors, for reasons to be recorded in writing, to maintain the building in a condition of good repair or to secure it to prevent danger to human life.
- (3) Every person intending to erect a new building or to make addition and/or alteration to any building, shall apply for sanction giving notice in writing in Form B attached to this rule along with the following:-
 - (a) the Application shall contain, in addition to the notice as aforesaid, all declarations, indemnities, which the applicant has to comply with under the building rules, the duties payable under the Indian Stamp Act, in its application to West Bengal, on the various declarations, indemnities;
 - (b) copies of documents showing that the applicant has exclusive right to undertake such works;
 - (c) duly authenticated copies of receipts showing payment of tax to the Municipality for the quarter previous to the date of the application in respect of the land, building or portion thereof upon which the

building is proposed to be erected, re-erected, added to or altered and a declaration from the Municipality stating that there is no arrear dues payable to the Municipality;

- (d) a declaration, stating the name, address and other particulars of technical personnel as the case may be, along with their consent who are engaged as per rule 15;
- (e) requisite number of copies of the drawings as stipulated in rule 12;
- (f) (i) certified copy of the approved site plan;

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- (ii) certified copy of the reports of tests for stability of slopes and for soil as per requirements in rule 3 and such test report shall also indicate the maximum load that can be transferred to the soil of the particular site safely;
- (g) in the case of steel towers, the authenticated copy of the relevant license issued by the Government of India or the State Government.

¹[Provided that for erection of a new building for setting up of any industry, or re-erect or to make addition to or alteration of, a building which is being or to be used for industrial purpose, plan sanction application, as per provisions of these rules, may be submitted at MSME Facilitation Centre. (MFC) located in DIC in every district - for MSME and textile industries, and at Silpa Sathi at Kolkata for large industries. After submission of a complete application in this manner, the applicant will get an acknowledgement with date of receipt and timeline for disposal mentioned therein. The application will then be forwarded to the concerned Municipality for processing and sanction. MFC or Silpa Sathi, as the case may be, will follow up with the concerned ULB and on receipt of intimation of sanction will inform the applicant to physically collect the sanctioned plan from the concerned ULB.

Provided further that for setting up of any industry in government industrial estate/park, or re-erect or make addition to and/or alteration of a building which is being or to be used for industrial purpose, approval or building site and sanction of building plan as per provisions of these rules, will be given by the concerned Industrial Authority or Corporation like WBIDC, WBIDC, WBSIDC and WEBEL, as the case may be.]

(4) In the case of site or plot measuring 500 square metres or above, covered by the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976), the notice shall be accompanied by a "no objection certificate" from the competent authority, appointed under clause (d) of section 2 of the said Act, to the effect that there is no objection in respect of transfer of the site or plot under subsection (3) of section 5 of that Act;

Provided that the requirement as aforesaid shall be deemed to have been waived on the failure of the competent authority to furnish the certificate within three months from the date of reference to it.

(5) In case the intended use of the proposed building or part thereof is such that a license or permission is required from Government or any statutory body under any law for the time being in force, the necessary permission or license shall have to be obtained prior to use of such space and by virtue of the

Provisos added by Notification No. 548/MA/O/C-4/3R-4/2015 (Pt. II), dated 10.8.2015.

sanction the application will not have any automatic right of such use nor the sanction will have any overriding effect on any other law or statute in force.

(6) The notice shall, where necessary, be accompanied by,-

(a) documents, namely Clearance Certificate or Permission or Observation or No Objection certificate, as the case may be, as may be required for obtaining sanction of the building plan;

(b) certified copy of the registered deed of gift for gifting the land to the

Municipality, where necessary;

(c) a composite declaration of the applicant in the form 'B'.

(7)(a) All the building plans, enclosures and statements shall be signed by an Architect or a Licensed Building Surveyor, a Structural Engineer, and a Geo-technical Engineer as the case may be, and also by the person intending to erect, re-erect, or alter the building;

(b) An undertaking that the work of erection, re-erection or alteration will be planned, designed and supervised by an Architect or Licensed Building Surveyor, a Structural Engineer and a Geo-technical Engineer, as the case may be, as required under these rules;

(c) an undertaking that no building materials shall be deposited in any street except with the prior written permission of the Municipal Authority and on deposit of fees for stacking material as specified in rule 25 of these rules, the same will be stacked only at a place as may be directed by the Municipality.

(8) In a case involving pile work, deep foundation work or construction of basement or any other underground structures, including superstructure, the

notice shall be accompanied by an Indemnity Bond.

(9) The notice shall be accompanied by two sets initially of-

- (a) key (Location) Plan: -The Key Plan drawn to a scale of not less than 1:4000 shall show the boundary of the location of the site with respect to neighbourhood landmarks and public streets;
- (b) site plan;
- (c) building plan (Architectural); and
- (d) specifications.

Note.—Four number of sets, as may be required, alongwith structural plan, design calculation as well as Geo-technical report, if applicable, shall be submitted for record before issuance of formal sanction.

(10) The applicant shall, prior to the sanction of the building plan, be required to produce the originals of all the documents duly authenticated copies

of which have been enclosed with the notice, for scrutiny.

(11) The applicant shall also indemnify the municipal authorities for any action, suits, proceedings, claim of damages by any third party, or tenant. Further in case the boundary and site plan is not mentioned in the title document submitted by the applicant in such event a deed of declaration along with boundary plan as well as detail of the boundary along with land area should be registered with the concerned registration authority and the same should be submitted along with application.

12. Particulars to be furnished in, and with, an application.—(1) Every application made under rule 11 shall be written on a printed form (to be supplied A - 30

The West Bengal Municipal (Building) Rules, 2007

[Rr. 15-16

1)	(11)	(III)
,		recognized by the Government and shall have at least seven years' experience in the field of soil exploration, investigation and recommendation of type of foundation and execution of such works in areas other than the Municipalities in hill areas.
6.	Geo-Technical Engineer Class I	University or an equivalent engineering qualification recognized by the Government and shall have at least five years' experience in the field of soil exploration, investigation and recommendation of type of foundation and execution of such works in areas other than the Municipalities in hill areas; or (b) A bachelor degree in Civil / Construction Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least ten years' experience in the field of soil exploration, investigation and recommendation of type of foundation and execution of such works in areas other than the Municipalities in hill areas.
7.	Architect	Registered as an Architect by the Council of Architecture under the Architects Act, 1972 (20 of 1972)
8	Structura Reviewer	The state of the control of the state of the

16. Duties and responsibilities of Architect and Licensed Building Surveyor shall be as Surveyor.—Duties of the Architect and Licensed Building Surveyor shall be as follows:—

(a) they shall be conversant with the provisions of the Act, these rules and all relevant rules and regulations made under the Act and shall

prepare plans, sections, elevations and other structural details as per the provisions of these rules,

- (b) they shall prepare and submit all plans as may be necessary together with all documents and other details which are required to be submitted under these rules,
- (c) they shall comply with all requisitions received from the Municipal Authority in connection with the work under their charge promptly, expeditiously and fully. When they do not agree with such requisition, they shall state their objections in writing within the stipulated time, in default of which the plans and the notice shall be rejected,
- (d) they shall immediately intimate to the owners of the corrections or other changes they make on the plans, documents and details as per requisition from the Municipal Authority,
- (e) they shall not prepare and submit plans, if the same is intended to be executed in contravention of the provisions of the Act,
- (f) they shall give all facilities to the Municipal Authority to inspect and examine the work in progress,
- (g) they shall be held responsible for any work executed on site in contravention of the provisions of the Act, these rules or other relevant rules and regulations.
- (h) they shall not deviate or allow any deviation from the sanctioned plan in the execution of work at site except in accordance with the provisions of rule 31,
- (i) they shall submit the completion certificate and completion plan immediately after the work is completed,
- (i) they shall be deemed to have continued their supervision and control of construction of the building unless they have given notice in writing to the Municipal Authority that they have ceased to serve as the Architect or Licensed Building Surveyor for the building and shall be held responsible for the work executed up to the date of intimation,
- (k) the Municipal Authority shall exercise control over the action of any Architect or Licensed Building Surveyor, as the case may be, and may in the case of violation of any of the provisions of the Act and these rules—
 - (i) in the case of a Licensed Building Surveyor, suspend or revoke the license;
 - (ii) in the case of an Architect, make a reference to the Council of Architecture for taking necessary action under the Architects Act, 1972.
- 17. Duties and Responsibilities of Structural Engineers.—Duties and responsibilities of Structural Engineers shall be as follows:—
 - (a) he shall be conversant with the provisions of the Act and all relevant rules and regulations made under the Act and shall prepare structural designs and structural details as per the provisions of these rules,
 - (b) he shall prepare and submit all such structural plans together with all documents, calculations in proper forms and other details

including structural design of foundations, prepared in consultation with the Geo-technical Engineer, as are required to be submitted under these rules,

- (c) he shall comply with all requisitions received from the Municipal Authority in connection with the work under his charge promptly, expeditiously and fully. When he does not agree with such requisition, he shall state his objections in writing within stipulated time, in default of which the plans and the notice shall be rejected,
- (d) he shall immediately intimate the person, who has engaged him of the corrections or other changes, he makes on the structural plans, documents and details as per requisitions from the Municipal Authority,
- (e) he shall not prepare and submit the structural plans, if the same are found to be in contravention of the provisions of the Act,
- (f) he shall be responsible for full quality control of materials and workmanship at site and carry out necessary tests on materials used at site, conducted by recognized institutions or recognized organization. No completion certificate will be issued unless copies of such test reports are submitted by the structural engineer for departmental record along with the structural stability certificate of the building/s,
- (g) he shall give all facilities to Municipal Authority to inspect the work in progress,
- (h) he shall be held responsible for the structural design and execution of the same on site and for contravention of the provisions of the Act, these rules and other relevant rules and regulations relating to structural safety,
- (i) he shall not deviate or allow any deviation from the submitted structural plan in the execution of work at site,
- (j) the Licensed Building Surveyor, the Architect, the Structural Engineer and the Geo-technical Engineer shall work in association with one another and they shall be individually or collectively responsible for ensuring the safety of the building structure and its foundation,
- (k) he shall submit a certificate that the structure has been constructed as per submitted structural plans and the building is safe for occupation along with the application for completion certificate after the completion of the building,
- (I) he shall be deemed to have continued his supervision unless he has given notice in writing to the Municipal Authority that he has ceased to serve as the Structural Engineer for the work and submits a status report of the work completed under his supervision. He shall be held responsible for the work executed up to the date of intimation,
- (m) he shall forthwith inform the Municipal Authority as to the person who has engaged him under rule 15 of these rules.

18. Duties and Responsibilities of Geo-technical Engineers.—Duties and responsibilities of Geo-technical Engineers shall be as follows:-

The West Bengal Municipal (Building) Rules, 2007

(a) he shall be conversant with the provisions of the Act and all relevant rules and regulations made under the Act and shall conduct soil investigation and submit report as per provisions of these rules,

(b) he shall prepare and submit all such reports, calculation in proper forms recommending the size, shape and type of foundation confirming all relevant B.I.S. Codes and National Building Code of India,

(c) he shall be responsible for the execution of the type of foundation as recommended by him and other relevant rules and regulations

relating to the safety of the foundation of the structure,

(d) he shall submit a certificate that the type of foundation of the structure has been constructed as per the recommendations made by him in the report and the building is safe in respect to its foundation along with the notice of completion of work up to plinth

(e) the Licensed Building Surveyor, the Architect, the Structural Engineer and the Geo-Technical Engineer shall work in association with one another and they shall be individually or collectively responsible for ensuring the safety of the building structure and its foundation,

(f) he shall be deemed to have continued his supervision unless he has given notice in writing to the Municipal Authority that he has ceased to serve as the geo-technical engineer for the work and submits a status report of the work completed under his supervision. He shall be held responsible for the work executed up to the date of intimation,

(g) he shall forthwith inform the Municipal Authority as to the person who

has engaged him under the rule 15 of these rules,

(h) he shall comply with all requisitions received from the Municipal Authority in connection with the work under his charge promptly, expeditiously and fully. When he does not agree with such requisition, he shall state his objections in writing within stipulated time given by the Board of Councillors, in default of which the plans and the notice shall be rejected.

¹[18A. Duties and Responsibilities of Structural Reviewers.—Duties and responsibilities of the Structural Reviewers shall be as follows:-

- (a) to review and certify compliance of these rules together with drawings and design prepared by the Structural Engineer as may be required under these rules; and
- to submit addendum to the certificate or to issue a new certificate in case of subsequent changes in the structural design.]
- 19. Time and manner of disposal of application under rule 11.—Within sixty days from the date of receipt of an application with building plan, the Board of Councillors may require the applicant-
 - (a) to furnish it any information on matters referred to in these rules which has not already been given in the documents thereunder; or

Rule 18A ins. by Notification No. 105/MA/O/C-4/3R-14/2015, dated 26.2.2016, cl. (5).

- (2) An Officer of the Municipality duly authorised in this behalf shall inspect the work at the site within fifteen days from the date of the receipt of the notice and within seven days of such inspection issue necessary direction, if any.
- 31. Deviations during construction.—(1) No deviation from the sanctioned plan shall be made during erection or execution of any work.
 - (2) Notwithstanding anything contained in sub-rule (1),-
 - (a) if during erection or execution of work any internal alteration within the sanctioned covered space which does not violate the provisions of the Act or these rules is intended to be made, the person referred to in sub-rule (1) of rule 11 shall inform the Board of Councillors by notice in writing along with a certificate from the Architect or the Licensed Building Surveyor, as the case may be, together with drawings incorporating the deviations and structural calculation in case of structural deviations, stating the nature and purpose of such deviations at least fifteen days prior to carrying out such erection or execution of work, and may proceed with the execution of such work subject to the condition that such deviations shall be incorporated in the 'Completion Plan' under rule 33;
 - (b) if during the erection or execution of work any external deviation beyond the sanctioned covered space, either horizontal or vertical or both, is intended to be made and which does not violate the provisions of the Act or these rules, the person referred to sub-rule (1) of rule 11 shall, prior to carrying out such erection or execution of works, submit, in accordance with the provisions of these rules, a revised plan incorporating the deviations intended to be carried out, for obtaining necessary sanction therefor;
 - (c) if total sanctioned building is intended to be shifted as a whole within the periphery of the boundary keeping mandatory open space within the rule, this can be permitted with prior notice to the Municipal Authority with a revised plan. After serving such notice the owners may be allowed to proceed with the work unless there is any objection from the end of the Municipal Authority within 15 days.
 - **32.** Demolition of unauthorized construction.—(1) The Board of Councillors may order for demolition or alteration of any building, if it is satisfied that the erection of any building—
 - (i) has commenced without obtaining the sanction or permission of under the law, or
 - (ii) is being carried on or has been completed otherwise than in accordance with the particulars on which such sanction or permission or order is based or after such sanction or permission has been lawfully withdrawn, or
 - (iii) is being carried on or has been completed in breach of any provision of the Act or these rules or of any condition, modification, direction or requisition lawfully given or made under the Act or under these rules.

- (2) If any material alteration of, or addition to, any building has been commenced or is being carried on or has been completed in breach of any provision of the Act or these rules or if any alterations required by any notice issued under these rules have not been duly made, the Board of Councillors issued under these rules have not been duly made, the Board of Councillors may, make an order directing that such erection, alteration or addition, as the case may be, or so much thereof as has been executed unlawfully, or if any structure specified in the application or plan or specification as a structure to be demolished or altered before the erection of the new building, has not been demolished or altered, or if any material alterations or additions have been made, such alterations or additions shall,—
 - (a) be demolished by the owner thereof or altered by him to the satisfaction of the competent authority, as the case may require; or
 - (b) be demolished or altered by the competent authority at the expense of the said owner;
 - (c) all demolished materials shall be removed by the Municipality at the cost of the owner or to the satisfaction of the Municipality within a maximum period of 30 days from the date of demolition;

Provided that prior to carrying out any demolition of any building or part thereof as described in the notice, the owner of the building shall be given a notice stipulating therein the date and time to appear himself or through his authorized representative before the Board of Councillors, who will hear the circumstances under which such deviation unauthorized construction work has been carried out and after hearing record the order of the Board-of-Councillors and the said order shall be communicated to the owner officially.

33. Completion of work.—Within one month after the completion of the erection of a building or the execution of any work, the owner of the building shall submit a notice of completion in Form 'G' as required under section 212 shall submit a notice of deviation as stated in clause (a) of sub-rule (2) of rule 31, of the Act. In case of deviation as stated in clause (a) of sub-rule (2) of rule 31, the notice shall be accompanied by three sets of building plan marked 'completion plan' with all revisions and modifications including those referred to in sub-rule (2) of rule 31. The plans shall be duly signed by the applicant and the concerned technical personnel specified in rule 15:

Provided that for a residential building or educational building in any municipal area, excepting the Salt Lake Township, not exceeding 8.0 metre in height on a plot of 200 sq.metre in area, application of this rule may not be insisted upon but the owner will have to intimate in writing to the municipality about the completion of such building.

Note.—The notice shall be accompanied by a structural safety certificate duly signed by the Architect or Licensed Building Surveyor and/or Empanelled Structural Engineer, as the case may be, and wherever applicable shall be accompanied by—

(a) in the case of a building having more than three separate and independent residential units or apartments and all buildings other than residential buildings, a certificate from the Technical persons employed as per rule 15 that inside house drainage and water supply net work have been completed to the satisfaction of the Municipal Authority;

97. Notice for an alteration only.—When the notice is only for an alteration of the building, only such plans and statements as may be necessary shall accompany the notice:

Provided that a revised plan is to be submitted showing the changes

proposed with the requisite fee as specified in rule 100:

Note.—(I) Every person who intends to demolish any building or part thereof shall give notice in writing to the Municipal Authority. The demolition work to be executed taking care of adjoining structures under the supervision of qualified or empanelled structural engineer.

(II) The building plan shall have to be obtained afresh.

98. Repairs.-No notice shall be deemed necessary for repairs in any existing building constructed in accordance with these rules.

- 99. Deviation during construction.—If during construction of a building any departure or deviation from the sanctioned plan is intended to be made, sanction of the Authority shall be obtained before the change is made. The revised plan showing the deviation shall be submitted and the procedure laid down for the original plan therefor shall apply to all such amended plans. If on inspection during the construction stage, it is detected that deviation from the sanctioned plans have been made, the applications for the revised plan may not be entertained and the clearance certificate as mentioned in clause (a) of sub-rule (3) of rule 151 will not be issued in respect of the water and sewerage connections till rectification of the deviations.
 - 100. Fees.—(1) No building plan shall be deemed valid unless and until the person giving notice has paid the fees specified in sub-rule (2) to the Authority having jurisdiction and an attested copy of the receipt of such payment is attached with the building plan.

(2) Scale of fees for granting permission for building work under this part,

shall be as follows:--

- (a) Rs 3.50 per sq.ft. to total floor area covered in case of residential plots;
- (b) Rs. 10.00 per sq.ft. of total floor area covered in case of commercial plots and co-operative buildings.
- 101. Part construction.—(1) Part construction of a building according to any sanctioned plan may be permitted. Prior approval of part construction have to be taken from the Authority by submitting 2 copies of the plans (floor plan and front elevation of the part of the building proposed to be constructed). The Authority reserves the right to get the front elevation modified in case of such part construction.
- (2) Part construction shall always start from the front and completed in full as per sanctioned plan for part construction.
- (3) A partial occupancy certificate shall be issued for part construction under sub-rule (4) of rule 34 and no occupancy certificate shall be issued till part construction is completed in full.
- (4) In the case of multistoried flats of Housing Co-operative Societies a partial occupancy certificate may be issued for completion of 75% of the building. In this case the members of the concerned Housing Co-operative

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Government of West Bengal Department of Urban Development & Municipal Affairs (Municipal Affairs Branch) "NAGARAYAN" DF-8, Sector - I, Salt Lake, Kolkata - 700064

No. 64	15(126)/UDMA-15011(24)/16/2023-LS-MA SEC	Dated, Kolkata, the 29	August, 202
From:	The Special Secretary to the Govt. of West Bengal	. 30 4	
То:	(1) The Chairman/ Chairperson, Board of Administrators/ Administrator,		
	Municipality/ Notified Area A	uthority.	
	(2) The Commissioner, Asansol/ Bidhanagar/ Chardernagore/ Dur	gapur/ Siliguri Municipal C	Corporation.
Sub:	Regarding compliance with the provisions of West Bengal Mu-	nicipal (Building) Rules, 2	2007.

I am directed to inform you that it has been brought into the notice of the Department of Urban Development Sir, and Municipal Affairs that some of the Urban Local Bodies are following separate Building Bye-Laws or decision resolved in the Board of Councillors which is not in consonance of West Bengal Municipal Building Rules, 2007 while regulating building operations within their respective jurisdiction.

I am, therefore, directed to request you to adhere to the provisions of West Bengal Municipal Building Rules, 2007 and not to follow any separate Building Bye-Laws or decision resolved in the Board of Councillors which are not in consonance of West Bengal Municipal Building Rules, 2007. If they are facing problems in sanctioning building plans, they may send proposal to the Department with copy to Municipal Engineering Directorate (MED), stating problems so that the Department can decide suitably and give guidance to the municipal bodies.

Yours faithfully,

Special Secretary

No. 645/1(4)/UDMA-15011(24)/16/2023-LS-MA SEC

Dated, Kolkata, the 29th August, 2023

Copy forwarded for information to the -

- 1. Chief Engineer, Municipal Engineering Directorate, West Bengal.
- 2. P.S. to the Hon'ble Minister-in-Charge, Department of Urban Development and Municipal Affairs.
- 3. President, CREDAI BENGAL, Jindal Towers, Block "A", 4th Floor, 21/1A/3 Darga Road, Kolkata 17.
- 4. Sr. PS to the Principal Secretary, Department of Urban Development and Municipal Affairs.

Government of West Bengal Department of Urban Development and Municipal Affairs (Municipal Affairs Branch) "NAGARAYAN", 6th Floor, DF – 8, Sector – I, Salt Lake, Kolkata -700 064

No. 748/UDMA-15011(12)/392/2022-LS-MA SEC

Dated, Kolkata, the 4th day of October, 2023

Guidelines on specific precautionary measures to be taken by the owner/builder/lessee(s) during demotion of existing building in a congested residential area.

WHEREAS, it has been observed that a large number of new buildings are being constructed after demolition of the buildings standing on the plots in congested residential areas within various municipalities and municipal corporations without taking any precautionary measures during demolition of existing building;

WHEREAS, it is recognized that there may be a need to demolish partially or fully, an existing building for various reasons;

HOWEVER, such demolitions must not cause pollution, noise, water and air, beyond permissible limits, and must not cause disturbance to residents around the premises, must not cause hazard to neighbouring residents and workmen engaged in the demolition, and must not cause any damage to neighbouring structures;

AND WHEREAS, after obtaining permission from the concerned municipal authority regarding demolition of buildings, the concerned owner/builder/lessee(s) is required to take specific precautionary measures to comply with the relevant laws and rules during demolition of existing buildings.

But quiet often it has been observed that;

- 1. Safety measures are not being followed, resulting in debris flying off the building and damaging property and injuring persons in the neighbourhood.
- 2. The dust generated due to the use of equipment to break concrete and brickwork is uncontrolled and exceeds the safe limits for particulate matter specified as per existing norms, causing dust pollution.
- 3. The debris is stacked on the street, obstructing free vehicular movement.
- 4. Site supervisor is not deployed during such demolition work at the site whereas it is absolutely imperative that a trained site supervisor remains present at all times, as long as the demolition process is on.
- 5. Noise generated due to use of heavy equipment often exceeds permissible limits applicable to residential zones.
- 6. Trees on the footpath are felled without permission of the Forest Department and are stacked on the street obstructing a part of the thoroughfare.

AND WHEREAS it has been felt necessary to frame guidelines on specific precautionary measures to be taken by the owner/builder/lessee(s) during demotion of existing building in a congested residential area for re-erection of buildings over the same plot of land;

NOW THEREFORE the Department hereby introduces the following guidelines for the concerned owner/builder/lessee(s) to be followed during demotion of existing building in a congested residential area for re-erection of buildings over the same plot of land within various municipalities and municipal corporations:

- 1. Before beginning any demolition programme, the owner shall carry out a careful study of the structure to be pulled down and its surroundings. He shall then prepare a plan of procedure of the demolition work which shall be vetted by a qualified structural engineer.
- 2. The demolition plan so vetted shall be shared with the local municipal authority as well as the owners/occupants of the immediate neighbouring premises.
- 3. The owner shall follow the demolition protocols scrupulously so as not to damage the foundation or structures of neighbouring buildings.
- 4. The owner shall appoint a site engineer who shall be present at site during the entire period of demolition to ensure that all systems are in place to prevent structural damage to neighbouring buildings. The demolition work is to be executed taking care of adjoining structures under the supervision of qualified or empanelled Structural Engineer as per provision of rule 97 of the West Bengal Municipal Building Rules, 2007 / rule 20 of the Kolkata Municipal Corporation Building Rules, 2009.
- 5. Danger signs should be prominently displayed all around the structure to be demolished and unauthorized persons shall not be allowed access to the structure. Red lights should be put at night and a watchman should be engaged during the period of demolition.
- 6. Power lines and all service lines such as those of gas, water etc. should be disconnected before initiation of demolition work.
- 7. Movement through every sidewalk or street adjacent to the site may be regulated/restricted as may be required for safety reasons.
- 8. Before demolition work is started, glazed sash, glazed doors and windows, fragile and loose fixtures, etc, shall be removed. All loose plaster shall be stripped off throughout the entire buildings this also eliminates a large amount of dust producing material before more substantial parts of the buildings are removed.
- 9. The demolition shall always proceed systematically storey by storey in descending order and the work on the upper floors shall be completely over before any of the supporting members or other important portion on the lower floor is disturbed.
- 10. Dismantled materials may be thrown to the ground only after taking adequate precautions. The material shall preferably be dumped inside the building. Normally such materials shall be lowered to the ground or to the top of the sidewalk shed where provided by means of ropes or suitable tackles.
- 11. The unserviceable debris material should be segregated shall be removed from the demolition site to a location as required by the local civil authority. Depending on the space available at the demolition site, this operation of conveying debris to its final disposal location may have to be carried out a number of times. Materials which are likely to cause dust nuisance or undue environmental pollution in any other way, shall be removed from the site at the earliest and till then they shall be suitably covered. Such materials shall be covered during transportation as well.
- 12. Structural or load supporting members on any floor shall not be cut or removed until all the storeys above that floor have been demolished and removed.

- 13. Foundation walls which serve as retaining walls to support earth or adjoining structure, shall not be demolished until such an adjoining structure has been underpinned or braced and the earth removed by sheet piling or sheathing.
- 14. No demolition work should be carried out at night especially when the building or structure to be demolished is in an inhabited area. No demolition work shall be carried out during storm and heavy rain. A warning device shall be installed in the area to be used to warm the workers in case of any danger. Safety helmets conforming to IS 2925: 1984 shall be used by the workmen where there is any likelihood of material falling from top. Goggles preferably made of celluloid lens shall be worn at the time of demolition of walls, floors, tearing of plaster, etc, especially when instruments like jack hammers are employed in demolition work, to protect the eyes from injuries from flying pieces, dirt, dust, etc, that may be blown up by the wind. It is desirable that leather or rubber gloves should be worn by the workers while demolishing RCC work or removing steel work, etc, where the hands of the workers are likely to be injured. Water may be used to reduce dust while tearing down plaster from brickwork. No unnecessary work shall go on below when demolition is in progress above. Safety belts shall be used by labourers while working at higher level to prevent falling from the structure. First-aid equipment shall be available at all demolition works of any magnitude. Also, by prior arrangement, a qualified doctor shall be available at call. When there is a possibility of fire breaking out, appropriate portable first-aid fire appliances (see IS 2190: 1979) shall be kept at hand.
- 15. The noise level as specified in Noise Pollution (Regulation and Control) Rules, 2000 and other standards applicable to residential zones shall be maintained at all times.
- 16. The air quality as specified in the National Ambient Air Quality Standards published in 2009 shall be maintained at all times.
- 17. The rapid removal of waste comprising of building materials, debris and rubble resulting from construction, re-modelling, repair and demolition of any civil structure from the site and from the road side etc. shall be ensured.
- 18. The owner shall scrupulously follow the directions given vide Notification No. EN/3170/TIV-7/001/2009 dated, the 10th December, 2009 and the guidelines for use of Anti Smog Guns issued by the Department of Environment, Government of West Bengal for the purpose of curbing air pollution and other environmental hazards (copy enclosed).
- 19. All kinds of Construction & Demolition Waste generated in different areas of Urban Local Bodies within Kolkata Metropolitan Area need to be sent to Patharghata Construction & Demolition Waste processing facility developed by Kolkata Municipal Corporation.

The guideline is issued in the public interest and shall come into immediate effect.

All the municipal bodies are requested to monitor the proper implementation of the guidelines and to ensure discharge of duties and responsibilities of all stakeholders duly during carrying out of demolition works.

Special Secretary to the Government of West Bengal



Department of Environment Government of West Bengal Writers' Buildings, "G" Block, (2nd. Floor), Kolkata-700 001.

No. EN/3170/T-IV-7/001/2009

Dated: December 10th, 2009.

DIRECTION

WHEREAS, Department of Environment, Govt. of West Bengal is entrusted to look after the execution of the different environmental laws within the territorial jurisdiction of West Bengal and also responsible for maintaining pollution free environment and also responsible for restraining different environment hazardous activities which are causing serious impact on human beings, other living creatures, plant, micro-organism, property or the environment;

AND WHEREAS, Department of Environment has already taken different steps for controlling air pollution in the atmosphere generated from the different sources i.e. industrial source, vehicular source and burning of bio-mass;

AND WHEREAS, Department of Environment in exercising the power conferred under section 19 of the Air (Prevention & Control of Pollution) Act, 1981, has already declared entire West Bengal as 'Air Pollution Control Area';

AND WHEREAS, West Bengal Pollution Control Board conducted a study with the help of the Asian Development Bank and it is revealed that the contribution of the construction activities is one of the source of air pollution in Kolkata and its surroundings;

AND WHEREAS, it is further revealed that burning of old tyres in hot mix plant as a fuel during construction and repairs of road for melting coal tar contributes significant obnoxious element into the air which cause a serious problem of the human beings;

HENCE, in view of the above and in consultation with the West Bengal Pollution Control Board and in exercise of the power conferred under Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986, all the municipalities, local authorities and all other concerned Govt. Departments within the State of West Bengal, are now directed to take immediate steps to implement the following norms which need to be strictly followed by the developers, contractors or any other infrastructure developers;

Preventive measures need to be taken: -

- a) Wrap construction area/buildings with geotextile fabric, installing dust barriers, or other actions, as appropriate for the location,
- b) Apply water and maintain soils in a visible damp or crusted condition for temporary stabilization,
- c) Apply water prior to levelling or any other earth moving activity to keep the soil moist throughout the process;
- d) Limit vehicle speeds to 15 mph on the work site.
- e) Clean wheels and undercarriage of haul trucks prior to leaving construction site.
- f) Apply and maintain dust suppressant on haul routes.
- g) Apply a cover or screen to stockpiles and stabilize stockpiles at completion of activity by water and maintain a dust palliative to all outer surfaces of the stockpiles;
- h) Stabilize surface soils where loaders, support equipment and vehicles will operate by using water and maintain surface soils in a stabilized condition where loaders, support equipment and vehicles will operate;
- i) Stabilize adjacent disturbed soils following paving activities with immediate landscaping activity or installation of vegetative or rock cover.
- j) Maintain dust control during working hours and clean track out from paved surfaces at the end of the work shift/day. Track out must now extend 50 feet or more and must be cleaned daily, at the minimum.
- k) Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slope,
- 1) Disposal of debris in consultation with the local authorities following proper environmental management practice.
- m) During construction work, including cutting of marbles, ambient noise level should not exceed more than 65 dB(A).

Practices to be discarded: -

- a) Don't dispose of debris indiscriminately.
- b) Don't allow the vehicles to run at high speed within the work site.
- c) Don't cut materials without proper dust control/noise control facility.
- d) Don't keep materials without effective cover.
- e) Don't allow access in the work area except workers to limit soil disturbance and prevent access by fencing, ditches, vegetation, berms or other suitable barrier.
- f) Don't leave the soil, sand and cement stack uncovered.
- g) Don't keep materials or debris on the roads or pavements.
- h) Burning of old tyres in hot mix plant as a fuel during construction and repair of the roads for melting coal tar should be discarded;

NOW THEREFORE, it is made clear that any developers, contractors or infrastructure developers either Govt. or Private failed to comply with the aforementioned statutory norms, Department of Environment and West Bengal Pollution Control Board will take necessary action under Air (Prevention & Control of pollution) Act, 1981 and Environment (Protection) Act, 1986 which may lead to stoppage and prohibition of the work including closure and other legal action as warranted under the law including imposition of the 'Pollution Cost'.

It is further directed that all Municipal Corporations, Municipalities and Panchayats should also be at liberty to take necessary action against the violators under the Municipal Laws and Panchayat Law.

But it is made clear that Local Authorities i.e. Municipal Corporations, Municipalities and Panchayats are responsible to implement the aforementioned guidelines meticulously for the purpose of curbing air pollution and other environmental hazards of their respective jurisdiction.

Local Police Station is also directed to render all necessary help to the Local Authorities to implement the aforementioned direction in a befitting manner.

This order will take effect from 01-01-2010 through out the State of West Bengal.

By Order,
Sd/(M. L. Meena)
Principal Secretary to the Govt. of West Bengal.
Department of Environment.

Advisory for use of Anti-Smog Guns

Issues	Guidelines
Cupacity and nos. of ASG to be used	 Construction and Demolition sites having area more than of 20, 000 sq. m should have at-least02 nos. of ASGs. These should be capable of producing water droplets in the range of 10μ -50μ. One ASG having throwing distance capacity 70-100 m and 01 no. of ASG having throwing distance capacity 30-50 m. This will also take care of water & power saving, stand-by machine and use during small dust generating activities. Requirements of installations on wind-ward side and leeward side shall also be fulfilled. These machines will cover all sorts of dust generating activities as operation of machine is for around 30 minutes once in around 2-3 hours. On rotation basis, oth8er areas of project can be covered. Regarding additional or maxi-mum number of machines, there cannot be any straight-line formula. This may be left to Project Proponent. He has to ensure compliance at all the times for entire area. Details regarding specification of nozzles, power of motor, pressure which can be generated and throwing capacity be engraved on the ASG by the manufacturer.
Source of water	 Class A or Class B Water without conventional treatment but only after disinfection so as to make water free from coliforms, viruses and bacteria [details of Class A and B are presented in "Designated Best Use Water Quality Criteria" developed by CPCB.]. Criteria are available on website of CPCB. Municipal Supply Water. Use of treated sewage be avoided
Amount of water to be used	 Best quality nozzles capable of generating water droplets in the range of 10μ-50μ and optimum hydraulic pressure be used to generate atomized water droplets. Environmental Clearance granted by MoEF&CC, SEIAA and CTE granted by SPCBs / PCCs shall take this factor into account for estimating total water consumption.
Source of fuel for the engine Source of fuel for the moving van (if applicable)	 Care shall be taken that there will be minimum noise and emission into air during operation of ASG. Hence, wherever possible, conventional electric supply must be obtained and used for operation. Alternatively, use of CNG, LPG operated Gensets be encouraged. Fossil fuels shall only be used in emergent conditions when aforementioned sources of powers are not available and subject to verification by SPCBs/PCCs and Local Authority.
Time span of use	 Normally for 30 minutes as a continuous operation in every 2-3 hours. However, operation shall depend upon site conditions, types of construction activities going on at the site and local environmental conditions.
Energy Meter	 Energy meter should be installed at ASG for checking/ monitoring use of ASG at site.
Capacity of the Motor	 Be specified by manufacturing company. Details regarding specification of nozzles, power of motor, pressure which can be generated and throwing capacity be engraved on the ASG by the manufacturer.
Others	 Logbook on operation and maintenance on use of ASG and associated facilities be maintained.

No. 748/1(170)/ UDMA-15011(12)/392/2022-LS-MA SEC

Dated, Kolkata, the 4th day of October, 2023

Copy forwarded for information and necessary action to the: -

- 1. Municipal Commissioner, Kolkata Municipal Corporation.
- 2. Special Commissioner, Department of Urban Development & Municipal Affairs.
- 3. Director, State Urban Development Agency.
- 4. Special Secretary (all), Department of Urban Development & Municipal Affairs.
- 5. Financial Advisor & E.O. Special Secretary, Department of Urban Development & Municipal Affairs.
- 6. Chief Engineer, Municipal Engineering Directorate.
- 7. Additional Secretary (all), Department of Urban Development & Municipal Affairs.
- 8. Director of Local Bodies, West Bengal, Poura Prashasan Bhaban, DD I, Salt Lake, Kolkata 64.
- 9. District Magistrate, _____, P.O.____, District ...
- 10. Commisioner, Asansol/Bidhannagar/ Chandernagore / Durgapur/ Howrah / Siliguri Municipal Corporation, P.O.______, Dist.-______.
- 11. Chairman / Chairperson, Board of Administrators / Administrator, _______, District _______, District ______.
- 12. Senior Deputy Secretary, Department of Urban Development & Municipal Affairs.
- 13. Private Secretary to the Hon'ble Minister-in-Charge, U D & M A Department.
- 14. Sr. P.S. to Principal Secretary, U D & M A Department.
- 15. Sr. P.S. to Principal Secretary, Environment Department.
- 16. Section Officer, I T & e-Gov. Cell, U D & M A Department.

He is requested to upload the same in the departmental website.

17. Guard file of Law & Statutory Wings, U D & M A Department.

Special Secretary to the Government of West Bengal

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Government of West Bengal
Department of Urban Development and Municipal Affairs
(Municipal Affairs Branch)
"NAGARAYAN", 6th Floor,
DF - 8, Sector - I, Salt Lake, Kolkata -700 064

MEMORANDUM

No. 175/UDMA-15011(12)/392/2022-LS-MA SEC

Dated, Kolkata, the 2nd April, 2024

WHEREAS, it has been observed that a large number of buildings are being constructed within various Municipalities and Municipal Corporations without taking any precautionary measures by the concerned builder/developer/owner(s) during construction works causing noise, water and dust pollution and are also causing harmful health hazards to the households residing in adjoining areas and to the workmen engaged in such construction works;

AND WHEREAS, it has been felt necessary to reiterate the guidelines on specific precautionary measures that are needed to be taken by the builder/developer/owner (s) during any type of construction works;

AND WHEREAS, the Department of Environment, Government of West Bengal vide their No. EN/3170/T-IV-7/001/2009, dated: the 10th December, 2009 has issued a direction for all the municipalities, local authorities and all other concerned Govt. Departments, to take immediate steps to implement the norms which need to be strictly followed by developers, contractors or any other infrastructure developers, during construction works;

NOW THEREFORE, the Department has decided to convey the aforesaid guidelines introduced by the Department of Environment, Government of West Bengal for the concerned builder/developer/owner(s), to be followed during constriction works and all Municipal Corporations, Municipalities and Notified Area Authorities are requested to take immediate steps so that the norms to be strictly followed by builder/developer/owner(s) of the buildings.

Preventive measures need to be taken: -

- a) Wrap construction area/ buildings with geotextile fabric, .installing dust barriers, or other actions, as appropriate for the location,
- b) Apply water and maintain soils in a visible damp or crusted condition for temporary stabilization,
- c) Apply water prior to levelling or any other earth moving activity to keep the soil moist throughout the process;

- d) Limit vehicle speeds to 15 mph on the work site,
- e) Clean wheels and undercarriage of haul trucks prior to leaving construction site,
- f) Apply and maintain dust suppressant on haul routes,
- g) Apply a cover or screen to stockpiles and stabilize stockpiles at completion of activity by water and maintain a dust palliative to all outer surfaces of the stockpiles;
- h) Stabilize surface soils where loaders, support equipment and vehicles will operate by using water and maintain surface soils in a stabilized condition where loaders, support equipment and vehicles will operate;
- i) Stabilize adjacent disturbed soils following paving activities with immediate landscaping activity or installation of vegetative or rock cover.
- j) Maintain dust control during working hours and clean track out from paved surfaces at the end of the work shift/day. Track out must now extend 50 feet or more and must be cleaned daily, at the minimum.
- k) Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slope,
- l) Disposal of debris in consultation with the local authorities following proper environmental management practice.
- m) During construction work, including cutting of marbles, ambient noise level should not exceed more than 65 dB(A).

Practices to be discarded:-

- a) Don't dispose of debris indiscriminately,
- b) Don't allow the vehicles to run at high speed within the work site.
- c) Don't cut materials without proper dust control/ noise control facility.
- d) Don't keep materials without effective cover.
- e) Don't allow access in the work area except workers to limit soil disturbance and prevent access by fencing, ditches, vegetation or other suitable barrier.
- f) Don't leave the soil, sand and cement stack uncovered,

- g) Don't keep materials or debris on the roads or pavements.
- h) Burning of old tyres in hot mix plant as a fuel during construction and repair of the roads for melting coal tar should be discarded;

All the urban local bodies are hereby requested to keep vigil over the construction sites to ensure strict compliance with the guidelines framed by Department of Environment, Government of West Bengal.

Special Secretary to the Government of West Bengal.

No. 175/1(160)/ UDMA-15011(12)/392/2022-LS-MA

Dated, Kolkata, the 2nd April, 2024

Со	py forwarded for information and necessary action to, the: -		
1.	District Magistrate,, P.O, District		
2.	Chairman / Chairperson, Board of Administrator / Administrator,		
	Municipality/ Notified Area Authority.		
3.	Municipal Commissioner, Kolkata Municipal Corporation.		
4.	Director of Local Bodies, West Bengal, Poura Prashasan Bhaban, DD-1, Salt Lake, Kolkata-64		
5.	Director, State Urban Development Agency.		
6.	Commissioner, Howrah/ Asansol/ Bidhannagar/ Chandernagore / Durgapur/ Siliguri Municipal		
	Corporation.		
7.	Chief Engineer (North/ South), Municipal Engineer Directorate, West Bengal.		
8.	Private Secretary to the Hon'ble Minister-in-Charge, U D & M A Department.		
9.	Sr. P.S. to Secretary, U D & M A Department.		

10. Guard file of Law & Statutory Wings, U D & M A Department.

Special Secretary to the Government of West Bengal

214/64

Registered No. WB/SC-247



Extraordinary Published Authority

[PHALGUNA 11]

WEDNESDAY, MARCH 2, 1994

[SAKA 1915]

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT Legislative

NOTIFICATION

No. 364 L .- 2nd March, 1994. - The following Act of the West Bengal Legislature, having been assented to by the President of India, is hereby published for general information.

West Bengal Act XIX of 1993

THE WEST BENGAL INLAND FISHERIES (AMENDMENT) ACT 1993

[Passed by the West Bengal Legislature]

[Assent of the President of India was first published in the Calcutta Gazette, Extraordinary, of the 2nd March, 1994.

An Act to amend the West Bengal Inland Fisheries Act, 1994.

Whereas it is expedient to amend the West Bengal Inland Fisheries Act, West Bengal Act 1984, for the purpose and in the manner hereinafter appearing:

XXV 07 1984

It is hereby enacted in the Forty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows: -

Short title and Commencement

- This Act may be called the West Bengal Inland Fisheries (1) (Amendment) Act, 1993.
 - It shall come into force on such date as the State Covernment may, by notification in the Official Gazette, appoint,

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THE CALCUTTA GAZETTE, EXTRAORDINARY, MARCH 2, 1994

The West Bengal Inland Fisheries (Amendment) Act, 1993 (Section 2.)

Insertion of new Chaper IIIA in West Ben. Act XXV of 1984

In the West Bengal Inland Fisheries Act, 1984, after Chapter III, the following hapter shall be inserted:—

CHAPTER IIIA

Bar to conversion of water area etc. for other use

Bar to conversion of water area etc. for other use. 17A. (1)

No person shall-

- a) put any water area including embankment measuring 5 cottahs or 0.035 hectare or more, which is capable of being used us fishery, or any naturally or artificially depressed land holding measuring 5 cottahs or 0.035 hectare or more, which retains water for a minimum period of six months in a year, to such use, other than fishery, as may result in abolition of fishery, or
- b) fill up any water area including embankment or naturally or artificially depressed land holding as aforesaid, with a view to converting it into solid land for the purpose of construction of any building thereon or for any other purpose, or
- divide any water area including embankment or naturally or artificially depressed land holding as aforesaid into parts so as to make any such part measure less than 5 cottahs or 0.035 hectare for any purpose other than pisciculture or transfer any part of any such water area including embankment or naturally or artificially depressed land holding as so divided to any other person.
- (2) If the competent authority, on receipt of an information or on his own motion or otherwise, is satisfied that—
- a) any water area including embankment or naturally or artificially depressed land holding, referred to in clause (a) of subsection (J) is being, or is about to be, put to any use, other than fishery, or
- b) any such water area including embankment or naturally or artificially depressed land holding, is being, or is about to be, filled up, or
- any such water area including embankment or naturally or artificially depressed land holding is being, or is about to be, divided into parts, or any part of any such water area including embankment or naturally or artificially depressed land holding as so divided is being, or is about to be, transferred to any other person,

in contravention of the provisions of sub-section (I), and (hat it is necessary for the purpose of promotion of pisciculture, checking of destruction of fisheries and prevention of environmental degradation so to do, he may, by order in writing take over the management and control of such water area including embankment, or naturally or artificially depressed land holding, as the case may be.

(3) An order under sub-section (2) shall be served in the prescribed manner on the owner of the water area including embankment or naturally or artificially depressed land holding, as the case may be, or, where the water area including embankment or naturally or artificially depressed land holding

THE CALCUTTA GAZETTE, EXTRAORDINARY, MARCH 2, 1994

The West Bengal Inland Fisheries (Amendment) Act, 1993.
(Section 2.)

is in occupation of any person, not being the owner of such water area including embankment or naturally or artificially depressed land holding, on such person.

- (4) The management and control of such water area including embankment in naturally or artificially depressed land holding may be transferred by the competent authority to any person for proper utilization for pisciculture of such water area including embankment or naturally or artificially depressed land holding, as the case may be, in such manner as may be prescribed.
- (5) Every co-sharer or co-owner of a water area including embankment or naturally or artificially depressed land holding, referred to in clause (a) of subsection (I), shall be entitled to receive rent for taking over the management and control of such water area including embankment or naturally or artificially depressed land holding, as the case may be, by the competent authority at such rate as may be determined by that authority in the manner prescribed.
- (6) The management and control of any water area including embankment or naturally or artificially depressed land holding may be taken over under subsection (2) for a period not exceeding 25 years or transferred to any person under sub-section (4) for a period not exceeding 10 years at a time.
- (7) If the person referred to in sub-section (4) fails to utilize the water area including embankment or naturally or artificially depressed land holding, as the case may be, in accordance with the prevailing norms of pisciculture, the competent authority may, after giving notice to such person, resume the management and control of such water area including embankment or naturally or artificially depressed land holding, as the case may be, without payment of any rent or compensation to such person; and such water area including embankment or naturally or artificially depressed land holding, as (he case may be, may thereafter be managed by the competent authority or transferred to some other person for pisciculture.
- (8) The provisions of this section shall apply, mutatis mutandis, to any water area including embankment or naturally or artificially depressed land holding, referred to in clause (a) of sub-section (l), which is owned or possessed by any person or persons either jointly or severally or owned by the State Government jointly with other person or persons.
- (9) No water area including embankment or naturally or artificially depressed land holding, seferred to in clause (a) of sub-section (1), shall be—
 - (a) put to any use other than fishery, or
- (b) filled up with a view to converting it into solid land. for the purpose of implementation of any development scheme by any department of the Central Government or the State Government or any public undertaking under the administrative control of the Central Government or the

THE CALCUTTA GAZETTE, EXTRAORDINARY, MARCH 2, 1994

The West Bengal Inland Fisheries (Amendment) Act, 1993. (Section 2.)

State Government or any statutory body or local authority or any organisation in the public sector or any organisation or individual in the private sector, except with the prior approval of the State Government in the Department of Fisheries.

- (10) (a) The competent authority may, by a written notice, require any person who, by contravening the provisions of sub-section (1),—
- (i) puts any water area including embankment or naturally or artificially depressed land holding to any use other than fishery, or
- (ii) fills up any water area including embankment or naturally or artificially depressed land holding with a view to converting it into solid land, or
- (iii) divides any water area including embankment or naturally or artificially depressed land holding into parts for any purpose other than pisciculture or transfer any part of any such water area including embankment or naturally or artificially depressed land holding as so divided to any other person.

to restore, within such period as may be specified in the notice, such water area including embankment or naturally or artificially depressed hand holding, us the case may be, to its original condition at his own expense.

- (b) If such person fails to restore such water area including embankment or naturally or artificially depressed land holding to its original condition within the period specified in the notice under clause (a), the competent authority may, by order in writing, take over the management and control of such water area including embankment or naturally or artificially depressed land holding, as the case may be, restore it to its original condition, and recover the entire cost in this behalf or any part thereof from such person.
- (c) The management and control of such water area including embankment or naturally or artificially depressed land holding as may be taken over by the competent authority under clause (b) may be transferred by the competent authority to any person for proper utilisation of such water area including embankment or naturally or artificially depressed land holding, as the case may be, in such manner as may be prescribed. And, thereupon, the provisions of sub-sections (5), (6), (7) and (8) shall apply to such water area including embankment or naturally or artificially depressed land holding, as the case may be.
- (II) Any person who commits any offence by contravening the provisions of subsection (I) shall, without prejudice to the provisions of sub-section (I0), be punished with imprisonment for a term which <u>may extend to two years or with fine</u>" which <u>may extend to two lakh rupees or with both, and the provisions of section 20 shall not apply to such person."</u>

By order of the Governor, S. K. PHAUJDAR. Secy. to the Govt. of West Bengal Registered No. WB/SC-247

No. WB(Part-I)/2017/SAR-823

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Gazette

Kolkata

Extraordinary
Published by Authority

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TUESDAY, DECEMBER 26, 2017

[SAKA 1939

PART I-Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

## GOVERNMENT OF WEST BENGAL

Department of Fisheries, Aquaculture, Aquatic Resources & Fishing Harbours,
I.T. Building (7th & 8th Floor)
31, G.N. Block, Sector-V, Salt Lake City, Kolkata - 700 091

No. 1748-Fish/C-I/9R-03/2017

Dated, Kolkata, the 20th July, 2017.

## NOTIFICATION

In exercise of the power conferred by clause (ii) of section 2 of the West Bengal Inland Fisheries Act, 1984 (West Bengal Act XXV of 1984) as subsequently amended (hereinafter referred to as the said Act), and in supersession of all previous notifications in this regard, the Governor is hereby pleased to authorise the following authorities to be the competent authority under the said Act:

- (i) Municipal Commissioner / Commissioner / Executive Officer of Municipal Corporation / Municipalities / Notified area authority within their respective jurisdiction.
- (ii) District Magistrate within their respective revenue districts except the municipal areas mentioned above.

By order of the Governor,

SUNIL KR. GUPTA
Principal Secretary to the Govt. of West Bengal.