

**Kolkata Municipal Corporation (Second Amendment) Act,
2006**

29 of 2006

[29 December 2006]

CONTENTS

1. Short title and commencement
2. Amendment of section 202 of West Ben. Act, LIX of 1980
3. Amendment of section 204

**Kolkata Municipal Corporation (Second Amendment) Act,
2006**

29 of 2006

[29 December 2006]

PREAMBLE

An Act to amend the Kolkata Municipal Corporation Act, 1980.

Whereas it is expedient to amend the Kolkata Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980), for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Fifty-seventh year of the Republic of India, by the Legislature of West Bengal, as follows :-

1. Published in the Kolkata Gazette, Extraordinary, Part III, dated 29th December, 2006, vide Notification No. 1674-L, dated 29.12.2006.

1. Short title and commencement :-

(1) This Act may be called the Kolkata Municipal Corporation (Second Amendment) Act, 2006.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 202 of West Ben. Act, LIX of 1980

:-

In section 202 of the Kolkata Municipal Corporation Act, 1980

(hereinafter referred to as the principal Act),-

(1) to sub-section (1), the following provisions shall be added :-

"Provided that the permission under this sub-section shall be accorded subject to the submission of written consent, in original, of the owner or the authority of land, building, wall, hoarding, frame, post, kiosk or structure upon or over which the advertisement has been proposed to be erected, exhibited, fixed or retained, by the person intending to erect, exhibit, fix or retain any advertisement, or display any advertisement to public view :

Provided further that application for permission under this subsection shall accompany a declaration by the advertiser stipulating a time-frame within which the advertisement shall be erased, removed or taken down :

Provided also that the application for permission shall also accompany a security deposit of such amount, as may be determined by the Corporation, by order, which shall, if the advertisement is not erased, removed or taken down by the advertiser within seven days after the expiry of the time-frame for erasure, removal or taken down of such advertisement as mentioned in the declaration, be deemed to have been forfeited and the money, as forfeited, shall be used by the Municipal Commissioner for erasure, removal or taken down of the advertisement :

Provided also that when the advertisement is erased, removed or taken down within seven days after the expiry of the time-frame in the declaration, the security deposit shall forthwith be refunded.";

(2) after sub-section (3), the following sub-sections shall be inserted :-

"(4) Notwithstanding anything contained in this section or elsewhere in this Act or in any other law for the time being in force, non-commercial advertisement or advertisement related to public interest may, with the consent, in writing, of the owner or the authority, be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post, kiosk or structure, or displayed to public view in any manner whatsoever :

Provided that no permission of the Municipal Commissioner shall be required for erecting, exhibiting, fixing or retaining upon or over any land, building, wall, hoarding, frame, post, kiosk or structure or displaying any advertisement, under this sub-section :

Provided further that no non-Commercial advertisement, other than the advertisement related to public interest, shall be erected, exhibited, fixed or retained on-

- (i) the surface of any solid wall, or on any other permanent structure, including the terrace, in such manner which shall cover, even partially, any door, window, ventilation shaft, chimney, air-conditioner, balcony or any other portion of the building covered with iron grill;
- (ii) the building or fence of any educational institution or hospital;
- (iii) the building used for religious purposes;
- (iv) the gate or exit requirement of any building;
- (v) the electrical installation, like transformer, lamp post, switchgear box, meter room;
- (vi) the water supply installation, like pump house, pump, water main, boosting station or machinery, water tank or water reservoir;
- (vii) the portion of any public transport;
- (viii) the buildings or the structures owned by the Central Government, State Government or any local authority or on any heritage building;
- (ix) the public street which may block the flow of pedestrians or traffic.

Explanation.-In this Chapter,-

- (a) the words non-Commercial advertisement mean the advertisement which is related to the campaign of any political party, or an independent candidate, to an election, or any campaign of any mass organisation;
- (b) the words advertisement related to public interest mean the advertisement which is related to promoting public health, preservation and conservation of environment, literacy campaign, fire protection, awareness of traffic rules, communal harmony, displayed by the Government or registered non-Government organisation, but shall not include the displaying advertisement, in any manner whatsoever, for the purposes of-
 - (i) selling or buying goods, real estates, services, concepts in lieu of financial or any other consideration; or
 - (ii) entertainment or recreational programme; or
 - (iii) setting up any marketing chain or network; or
 - (iv) admission in any tutorial, academy, training centre, commercial school, commercial college, or any other organisation which imparts, or shall impart, any education, including technical education, in lieu of financial or any other consideration; or
 - (v) recruitment of personnel through any private agency;
- (c) the words mass organisation includes any registered trade union, organised workers organisation, teachers organisation, youth organisation, women organisation, peasants organisation, students organisation, pensioners organisation, traders organisation,

unorganized workers organisation;

(d) the words political party shall mean a political party, as defined in clause (f) of section 2 of the Representation of the People Act, 1951 (43 of 1951).

(5) Whoever contravenes the provisions of sub-section (4) shall be guilty of an offence and shall, on conviction, be punished with imprisonment for a term which may extend to six months and with fine not exceeding fifty thousand rupees :

Provided that if such contravention is made for the benefit of any political party, or a mass organisation, or an independent candidate then such other persons and every president, chairman, director, partner, manager, secretary, agent or any other person, who was in charge of, and was responsible to, such political party or mass organisation or independent candidate shall also be deemed to be guilty of the offence and shall be liable to be proceeded and punished accordingly :

Provided further that nothing contained in this sub-section shall render such other person, president, chairman, director, partner, manager, secretary, agent or any other person who was in charge of, and was responsible to, such political party or mass organisation or independent candidate, liable to any punishment under this sub-section, if he proves that the offence was committed without his knowledge or that he had exercised due diligence to prevent the commission of such offence."

3. Amendment of section 204 :-

For clause (a) of sub-section (2) of section 204 of the principal Act, the following clause shall be substituted :- "(a) relates to non-Commercial advertisement or advertisement related to public interest as defined in the Explanation to sub-section (4) of section 202; or".