

The Nabadiganta Industrial Township Authority Rules, 2006¹

PART I

Preliminary

1. Short title, commencement and application.—(1) These rules may be called Nabadiganta Industrial Township Authority Rules, 2006.

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

(3) These rules shall apply to the areas specified in the Schedule appended to these rules.

2. Definitions.—(1) In these rules, unless there is anything contrary to the context,—

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

(b) “as modified” means a section of the Act as has been modified under section 385B;

(c) “the Authority” means the Nabadiganta Industrial Township Authority constituted under section 385B;

(d) “chairman” means the Chairman of the Authority;

(e) “member” means a member of the Authority;

(f) “rule” means a rule of these rules;

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

(h) “user” means a representative of the institution availing of municipal services provided by the industrial establishment;

(i) “Vice-Chairman” means the Vice-Chairman of the Authority.

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

PART II

Constitution of an Authority

3. Persons who shall be appointed as the members.—(1) Among the total number of members under sub-section (1) of section 385B, there shall be,—

(a) a maximum of three representatives of the industries located within the jurisdictional limits of the Authority;

(b) one shall be the Superintendent of Police of the district concerned or his representative not below the rank of Additional Superintendent of Police;

(c) one shall be the representative of the Department of Municipal Affairs, Government of West Bengal;

(d) one shall be the representative of Urban Development Department, Government of West Bengal;

(e) one shall be a representative of Kolkata Metropolitan Development Authority; and

(f) one shall be the Sub-divisional Officer, Bidhannagar.

(2) Remaining members, other than those specified in sub-rule (1), may be appointed from the user, social workers and women.

PART III

Term of office and disqualification for being a member of the Authority

4. Term of office of a member.—A member shall hold office for a period of five years from the date of the first meeting of the Authority under section 50B, as modified to be applicable to the Authority or for the period, under the first proviso to sub-section (4) of section 431 to be applicable to the Authority with modification or for the period for which a member appointed to fill a casual vacancy, unless—

(a) the Authority is dissolved earlier; or

- (b) the member resigns his office by writing under his hand addressed to the Governor through the Chairman and the resignation is accepted by the Governor, in which case the resignation shall take effect from the date of issuance of a communication from the Governor accepting his resignation; or
- (c) the member is removed by the Governor from his post; or
- (d) the entire area of the industrial township is withdrawn from operation of the Act, or is included in an existing municipal area or *Panchayat* area; or
- (e) the member is declared disqualified by the Governor on the grounds specified in rule 6.

5. Term of office of the Chairman and the Vice-Chairman.—(1) The Chairman or the Vice-Chairman shall cease to hold office if he ceased to be a member, or the State Government removes him from his office.

(2) The Chairman or the Vice-Chairman may, at any time, by giving a notice in writing to the State Government, resign his office, and such resignation shall take effect from the date of issuance of a communication by the State Government accepting his resignation.

6. General disqualification for being a member.—(1) A person shall not be eligible for appointment as a member under clause (a) of sub-rule (1), and sub-rule (2), of rule 4 if such person—

- (a) has been adjudged by a competent court to be of unsound mind; or
- (b) is below twenty-one years of age; or
- (c) is an undischarged insolvent; or
- (d) being a discharged insolvent, has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or
- (e) holds any office of profit under the Authority; or
- (f) has, directly by himself or by his partner or employer or any employee, any share or interest in any contract or employment with, by or on behalf of, the Authority, or
- (g) has been elected to, or appointed under the local Authority
- (h) is a person who having held an office under the Government of India or under the Government of any State or under any local Authority has been dismissed for corruption or disloyalty to the Government or the local Authority;
- (i) if he is convicted of an offence punishable under section 171E, or section 171F, of the Indian Penal Code 1860, in which case he shall for a period of six years from the date of conviction or from date on which the order takes effect, as the case may be, be disqualified for being a member:

Provided that notwithstanding anything contained in clause (f), no person shall be deemed to be disqualified thereunder by reasons only of his having share or interest in—

- (a) any lease, sale or purchase of land or any agreement for the same; or
- (b) any agreement for the loan of money or any security for the payment of money only; or
- (c) any newspaper in which any advertisement relating to the affairs of the Authority is inserted; or
- (d) any incorporated or registered company which contracts with, or is employed by the Authority.

(2) If any question arises as to whether any member has become subject to any of the disqualifications mentioned in sub-rule (1), the question shall be considered by the Secretary, Department of Municipal Affairs, Government of West Bengal, and shall, with his recommendations, send to the Governor for taking a decision on it.

7. Filling up of casual vacancy in the post of a member, the Chairman and the Vice-Chairman.—(1) If the post of a member falls vacant due to his death, resignation, removal or otherwise, the Exclusive Officer of the Authority shall, within a period of seven days from the date of occurrence of the vacancy, inform the State Government about occurrence of such vacancy, and on receipt of the report of the State Government, the Governor may appoint another member to fill up the casual vacancy:

Provided that the member appointed to fill up the casual vacancy shall continue in office for the period for which the preceding member, whose vacant post has been filled up by the new appointment, would have continued in office if the casual vacancy had not been occurred.

(2) If the post of the Chairman or the Vice-Chairman falls vacant due to his death, resignation, removal or otherwise, the Executive Officer of the Authority shall, within a period of seven days from the date of occurrence of the vacancy, inform the State Government about occurrence of such vacancy and on receipt of the report, the State Government shall appoint the Chairman or the Vice-Chairman, as the case may be, to fill up the casual vacancy.

PART IV

Procedure and the meetings of the Authority

8. Meeting and the validity.—(1) Meetings of the Authority may be,—

- (a) ordinary meetings, or
- (b) extraordinary meetings.

(2) A meeting of the Authority shall be deemed to have been duly held when,—

- (a) the meeting is duly convened;
- (b) there is necessary quorum;
- (c) the meeting is held within the jurisdiction or the office premises of the Authority;
- (d) the meeting is presided over by a person authorised under these rules; and
- (e) the proceedings of the meeting are duly recorded and signed by the President of the meeting.

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

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

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

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

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

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

11. Special meeting.—Notwithstanding anything contained in these rules, if the situation so demands owing to stalemate condition prevailing in the functioning of the Authority, the Director of Local Bodies, West Bengal, may in the interest of public service, convene a special meeting of the Authority with at least three days' notice, excluding the date of the meeting, to the members, specifying the agenda and venue of the meeting,

12. Adjournment of meeting.—If, at the time appointed for a meeting other than the special meeting under rule 11, or within an hour thereafter, there is no quorum, the meeting shall stand adjourned to some future date to be appointed by the Chairman or, in his absence, by the Vice-Chairman, and three days' notice of such adjourned meeting shall be given to the members. The members present at such adjourned meeting shall form a quorum, whatever their number may be.

13. List of business of the meeting.—A list of business to be transacted at a meeting and the proceedings of the last meeting shall be sent to the members along with the notice of the meeting. The list of business shall be prepared in the order laid down in rule 16.

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

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

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

(2) In the case of special meeting as referred to in rule 11, the Executive Officer of the Authority shall conduct the proceedings of the meeting. He shall, at the very commencement of the meeting, record the attendance of the members present in the meeting and shall, for presiding over the meeting, invite the Chairman or, in his absence or failure to do so, the Vice-Chairman for the purpose. In the case of absence of the Vice-Chairman or, his failure to preside over the meeting, the Executive Officer of the Authority shall invite the members present in the meeting to elect a President for that meeting only;

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

16. Order of business at ordinary meeting.—In the absence of any question under rule 18, the business shall be conducted at an ordinary meeting in the following order :—

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

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

18. Manner of raising questions.—If due notice has been given under rule 14, any member may, before other business commences, bring to the notice of the person presiding, the question or questions relating to the affairs of the Authority. Such member may briefly state the question when putting it, and the person presiding may give his answer, but no debate shall be allowed on any such question.

19. Dissent of business.—Dissents made in the meeting shall be appended to, and published with the minutes.

20. Custody of common seal.—The common seal of the Authority shall remain in the custody of the Chairman:

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

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

(2) In the case of equality of votes, the person presiding shall have a casting vote.

22. Members disqualified for voting on certain question.—No member shall vote on any matters affecting his own pecuniary interest.

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

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

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

PART V

Miscellaneous

24. Delegation of powers among the members.—(1) The powers and functions of the Authority shall be distributed amongst the departments, specified in the Annexure of these rules.

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

(3) Notwithstanding anything contained in sub-rule (1) and sub-rule (2) of this rule, the State Government may, at any time, for the interest of public make reallocation of business as allocated under sub-rule (1) and sub-rule (2) of this rule, or make allocation in case of the businesses remaining unallocated.

ANNEXURE

[See rule 24 (1)]

List of departments and allocation of business among the members of the Authority

I. General Administration Department

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

II. Accounts and Cash Department

1. Fund of the Authority including cash
2. Annual, interim and revised budget estimates
3. Grants and loans
4. Maintenance of accounts

5. Audit including internal audit
6. Treasury and bank
7. Provident fund of officers and employees
8. Pension and retirement benefits of officers and employees
9. Group Insurance and Salary Savings Insurance

III. Revenue Department

1. Liaison with West Bengal Valuation Board
2. Review Committee
3. Service Charges including those in relation to Central Government and Railway properties
4. Granting of licenses
5. Collection of fees and service charges
6. Collection of rents from properties of the Authority and tolls from Municipal ferries and bridges
7. Joint Venture/Public/Private/Partnership Projects.
8. Advertisement tax and other taxes.

IV. Public Works Department

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

V. Water Supply Department

1. Production of filtered water including filtration, chlorination and silt clearing, storage and distribution
2. Management of unfiltered water including laying of pipelines and maintenance of supply thereof
3. Operation of pumping and boosting station
4. Laying of primary and secondary grids of filtered water and maintenance thereof
5. Water connection—domestic, non-domestic and community
6. Sinking and maintenance of tube wells
7. Water supply to the neighbouring area
8. Supply of extra drinking water on special occasions

VI. Public Health and Convenience

1. Medical services (hospital, dispensary, maternity and child health)
2. Health Services
 - (a) Health establishment
 - (b) Conservancy and solid-waste management
 - (c) Drainage and sewerage
 - (d) Vaccination
 - (e) Burning ghat, Burial ground and dumping ground
 - (f) Other sanitary requirements

3. Health immunization programme and nutrition programme
4. Family welfare and planning
5. Food adulteration
6. Slaughterhouse
7. Motor vehicles and Ambulance
8. Control of environment pollution

VII. Lighting and Electricity Department

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

VIII. Education Department

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

IX. Stores Department

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

SCHEDULE

[See rule 1]

The industrial township shall be bounded by,—

In the North : by the northern boundary of AN, AP and AQ Block of Bidhannagar Municipality;

In the South : by the southern boundary of GM, GN and GP Block of Bidhannagar Municipality;

In the East : by the eastern boundary of AQ Block, running through the western boundary of Munshir Bhery of Bidhannagar Municipality; and

In the West : by the eastern boundary of Salt Lake Bypass of Bidhannagar Municipality.

By order of the Governor,

K. C. MONDAL

Jt. Secy. to the Govt. of West Bengal.

LATEST NOTIFICATION

Notification No. 41/MA/O/C-4/1M-2/2004, dated 31st January, 2006^H

WHEREAS in the opinion of the Governor, it is necessary to constitute an industrial township under section 385A of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) (hereinafter referred to as the said Act), comprising some areas of Bidhannagar Municipality in the district of North 24-Parganas, specified in the Schedule below (hereinafter referred to as the said areas) for the sake of ensuring proper infrastructural development required for setting up of industries, and maintenance thereof;

AND WHEREAS notification being No. 504/MA/O/C-4/1M-2/2004 dated the 27th day of September, 2005, of this Department was published in the *Kolkata Gazette, Extraordinary*, dated the 27th day of September, 2005 (hereinafter referred to as the said notification) declaring the intention of the Governor to constitute the industrial township as such;

AND WHEREAS the period of three months, from the date of publication of the said notification, for submitting objection or suggestion has expired and no objection or suggestion received during the said period of three months;

NOW, THEREFORE, in exercise of the power conferred by sub-section (3) of section 385A of the said Act, the Governor is pleased hereby to constitute an industrial township namely Nabadiganta Industrial Township in the district of 24-Parganas (North) :—

SCHEDULE

The industrial township shall be bounded by,—

- in the North : by the northern boundary of AN, AP and AQ Block of Bidhannagar Municipality;
- in the South : by the southern boundary of GM, GN and GP Block of Bidhannagar Municipality;
- in the East : by the eastern boundary of AQ Block, running through the western boundary of Munshir Bhery of Bidhannagar Municipality; and
- in the West : by the eastern boundary of Salt Lake By pass of Bidhannagar Municipality.

By order of the Governor

K. C. MONDAL

Jt. Secy. to the Govt. of West Bengal.
