

President's Act No. 17 of 1970

THE CALCUTTA METROPOLITAN DEVELOPMENT AUTHORITY ACT, 1970

[16th July, 1970]

Enacted by the President in the Twenty-first Year of the
Republic of India.

An Act to provide for the establishment of an authority for the formulation and execution of plans for the development of the Calcutta Metropolitan Area, for the co-ordination and supervision of the execution of such plans and for matters connected therewith or incidental thereto.

Central
Act 17
of 1970.

In exercise of the powers conferred by section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1970, the President is pleased to enact as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Calcutta Metropolitan Development Authority Act, 1970.

Short title
and com-
mence-
ment.

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

2. In this Act, unless the context otherwise requires,—

Definitions

(a) "Calcutta Metropolitan Area" means the areas within the Calcutta Metropolitan District;

(b) "Calcutta Metropolitan District" means the area described as such in the Schedule to the Calcutta Metropolitan Planning Area (Use and Development of Land) Control Act, 1965;

(c) "prescribed" means prescribed by rules made under this Act by the State Government.

West
Bengal
Act XIV
of 1965.

CHAPTER II

THE CALCUTTA METROPOLITAN DEVELOPMENT AUTHORITY

3. (1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette, constitute, for the purposes of this Act, an authority to be called the Calcutta Metropolitan Development Authority (hereinafter referred to as the Metropolitan Authority).

Establish-
ment of the
Calcutta
Metropoli-
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lopment
Authority.

(2) The Metropolitan Authority shall be a body corporate with perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may sue and be sued in its name.

Composition of the Metropolitan Authority.

4. (1) The Metropolitan Authority shall consist of the following members, namely:—

- (a) the Chief Minister of the State of West Bengal, who shall be the Chairman thereof:

Provided that when there is no Council of Ministers functioning in the State of West Bengal, the State Government may nominate such person, as it may think fit, to be a member and the Chairman of the Metropolitan Authority;

- (b) the Commissioner, Development and Planning Department of the Government of West Bengal, *ex officio*;

- (c) the Commissioner, Town and Country Planning Branch of the Department of Development and Planning, Government of West Bengal, *ex officio*;

- (d) the Financial Commissioner to the Government of West Bengal, *ex officio*; and

- (e) not more than three other persons, to be nominated by the State Government, of whom—

- (i) one shall be a Councillor of the Corporation of Calcutta, and

- (ii) the other two shall be persons who have been elected as commissioners of any municipality within the Calcutta Metropolitan Area.

(2) The Chairman of the Metropolitan Authority shall discharge such functions and exercise such powers as may be prescribed.

(3) (a) The State Government may appoint one member, from amongst the members referred to in clauses (b), (c), (d) and (e) of sub-section (1), as the Vice-Chairman of the Metropolitan Authority.

(b) The Vice-Chairman shall discharge such functions and exercise such powers as may be delegated to him by the Chairman and shall, during the absence of the Chairman, perform the functions and exercise the powers of the Chairman.

(4) The members referred to in clause (e) of sub-section (1) shall hold office for a term of three years, computed from the date of their nomination by the State Government, and shall receive such allowances for attending the meetings of the Metropolitan Authority or any committee thereof, as may be prescribed:

Provided that every such member, on ceasing to be a Councillor of the Corporation of Calcutta or the commissioner of any municipality within the Calcutta Metropolitan Area, as the case may be, shall cease to hold office as such member notwithstanding that the said term of three years has not expired and the vacancy caused by such cesser shall be filled by the State Government by making a fresh nomination.

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(5) No act or proceeding of the Metropolitan Authority shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, that Authority.

5. (1) The Metropolitan Authority shall meet at such place and at such time, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed. Meetings of the Metropolitan Authority.

(2) The Chairman of the Metropolitan Authority, or, if for any reason he is unable to attend any meeting, the Vice-Chairman, or, if for any reason both the Chairman and the Vice-Chairman are unable to attend any meeting, any other member of the Metropolitan Authority, elected by the members thereof present at the meeting, shall preside at the meeting.

6. The Metropolitan Authority may, with the previous approval of the State Government, borrow any money for carrying out the purposes of this Act or for servicing any loan obtained by it. Power of Metropolitan Authority to borrow.

7. There shall be a Fund for the Metropolitan Authority to which shall be credited— Funds of the Metropolitan Authority.

(a) such monies as may be paid to it by the State Government under the Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970,

(b) all monies borrowed by the Metropolitan Authority,

(c) such other monies as may be paid to the Metropolitan Authority by the State Government or any other authority or agency.

8. (1) The Metropolitan Authority shall maintain a sinking fund for the repayment of money borrowed by it, and shall pay every year into the said fund such sum as will be sufficient for repayment, within the period fixed for the repayment of the loan, of the money borrowed by it. Sinking fund.

(2) The money paid into the sinking fund shall be invested in such manner and in such securities as may be prescribed.

(3) The sinking fund or any part thereof shall be applied in, or towards, the discharge of the loan or part thereof for which such fund was created, and until such loan or part thereof is wholly discharged, the money standing to the credit of the fund shall not be applied for any other purpose.

9. The Metropolitan Authority shall keep accounts in such form as may be prescribed and shall close such accounts at such time as the State Government may specify in this behalf. Accounts.

4 *The Calcutta Metropolitan Development Authority Act, 1970.*

[President's Act

Budget.

10. The Metropolitan Authority shall prepare, every year, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Metropolitan Authority and shall forward to the State Government such number of copies thereof as may be specified in the rules made under this Act.

Audit.

11. (1) The audit of the accounts of the Metropolitan Authority shall be made by such person as may be appointed by the State Government.

(2) The audit shall be made in such manner as may be prescribed.

(3) The Auditor shall submit his Audit Report to the Metropolitan Authority and shall forward a copy thereof to the State Government.

Power to
appoint
staff.

12. (1) The Metropolitan Authority may appoint a whole-time Secretary and such other staff as it may think fit for the exercise of its powers and discharge of its functions under this Act.

(2) Every expenditure incurred by the Metropolitan Authority, including the expenditure incurred by it for meeting the salaries and allowances of the staff employed by it, shall be defrayed out of the Funds of the Metropolitan Authority.

Advisory
Council.

13. (1) The Metropolitan Authority shall, as soon as may be, constitute an Advisory Council for the purpose of advising it on the formulation and co-ordination of plans for the development of the Calcutta Metropolitan Area.

(2) The Advisory Council shall consist of the following members, namely:—

(a) the Chairman of the Metropolitan Authority, *ex officio*, who shall be the President thereof;

(b) the Vice-Chairman of the Metropolitan Authority, *ex officio*;

(c) the Chairman of the Board of Trustees for the Improvement of Calcutta;

(d) the Chairman of the Board of Trustees for the Improvement of Howrah;

(e) one person holding office, for the time being, as the Commissioner of the Corporation of Calcutta;

(f) two persons with knowledge of town planning and architecture, to be nominated by the State Government;

(g) one representative of the Department of Health of the State Government;

(h) three representatives of the municipal corporations and other municipal authorities, other than the Corporation of Calcutta, within the Calcutta Metropolitan Area, to be nominated by the State Government;

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- (i) one representative of the Calcutta Electricity Supply Corporation Limited, to be nominated by the State Government;
- (j) one person representing the interests of the Calcutta Tramways Company Limited, to be nominated by the State Government;
- (k) a member of the Board of Directors of the Calcutta Metropolitan Water and Sanitation Authority, to be nominated by that Board;
- (l) a representative of the Calcutta Metropolitan Planning Organisation, to be nominated by the State Government;
- (m) two Members of the West Bengal Legislative Assembly, to be nominated by the Speaker of that Assembly;
- (n) the Chief Administrative Officer, Metropolitan Transport Project (Railways), Calcutta; and
- (o) four other persons to be nominated by the State Government.

(3) If, for any reason the Chairman of the Metropolitan Authority is unable to attend any meeting of the Advisory Council, such meeting shall be presided over by such person as may be nominated by the Chairman of the Metropolitan Authority.

(4) The Advisory Council shall meet as and when necessary and shall have the power to regulate its own procedure.

(5) The members of the Advisory Council shall hold office for such term, and shall receive such allowances for attending the meetings of the Advisory Council, as may be prescribed.

14. (1) The Metropolitan Authority may constitute as many committees, consisting wholly of members of such Authority or wholly of other persons or partly of members of such Authority and partly of other persons and for such purpose or purposes, as it may think fit. Constitution of committees.

(2) The committee constituted under this section shall meet at such place and at such time, and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be determined by the regulations made in this behalf.

(3) The members of the committee, other than the members of the Metropolitan Authority, shall be paid such fees and allowances for attending its meetings and for attending to any other work of the Metropolitan Authority as may be determined by the regulations made in this behalf.

CHAPTER III

POWERS AND FUNCTIONS OF THE METROPOLITAN AUTHORITY

Functions
of the
Metropoli-
tan
Authority.

15. (1) Subject to such rules as may be made by the State Government in this behalf, the Metropolitan Authority shall be responsible for—

- (a) the formulation, subject to the approval of the State Government, of plans for the development of the Calcutta Metropolitan Area or such part thereof as it may think fit;
- (b) the co-ordination of the execution of plans, approved by the State Government, for the development of any area within the Calcutta Metropolitan Area;
- (c) the supervision of the execution of any project for the development of any area within the Calcutta Metropolitan Area, the expenses of the whole or any part of which are met from its funds; and
- (d) the financing and execution of any project in any plan for the development of the Calcutta Metropolitan Area or any part thereof.

(2) In particular, and without prejudice to the generality of the foregoing functions, the Metropolitan Authority shall also discharge the following functions, namely:—

- (a) to receive the money paid to it by the State Government under the provisions of the Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970, and to apply such money for the purposes specified in sub-section (3) of section 12 of that Act;
- (b) to specify the development projects for the implementation of which any money referred to in clause (a) of this sub-section shall, subject to such conditions and restrictions as the Metropolitan Authority may impose, be applied by—
 - (i) any municipal or other authority within the Calcutta Metropolitan Area, or
 - (ii) such other authority, not being a local authority or any authority specified in sub-clause (i), as the State Government may, by notification in the Official Gazette, specify in this behalf, or
 - (iii) any Department of the State Government;

Provided that the execution of such development project is approved by the State Government;

- (c) to receive any money borrowed by it and any money which may be paid to it by any authority other than the State Government;
- (d) to apply any money referred to in clause (c) of this sub-section for financing any project for the development of the Calcutta Metropolitan Area or any part thereof; and
- (e) to perform such other functions as may be prescribed.

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16. (1) Notwithstanding anything contained in any other law for the time being in force, the Metropolitan Authority may give such directions with regard to the implementation of any development project, as it may think fit, to an authority to which payment of any money has been made under section 15.

Power of Metropolitan Authority to give directions.

(2) The Metropolitan Authority shall so exercise the powers of supervision referred to in clause (c) of sub-section (1) of section 15 as may be necessary to ensure that each development project is executed in the interest of the over-all development of the Calcutta Metropolitan Area and in accordance with the approved plan.

17. (1) Where the Metropolitan Authority is satisfied that any direction given by it under sub-section (1) of section 16 with regard to any development project has not been carried out by the authority referred to therein or that any such authority is unable to fully implement any scheme undertaken by it for the development of any part of the Calcutta Metropolitan Area, the Metropolitan Authority may itself undertake any works and incur any expenditure for the execution of such development project or implementation of such scheme, as the case may be.

Powers of the Metropolitan Authority to execute any plan.

(2) The Metropolitan Authority may also undertake any works in the Calcutta Metropolitan Area as may be directed by the State Government and may incur such expenditure as may be necessary for the execution of such work.

(3) Where any work is undertaken by the Metropolitan Authority under sub-section (1), it shall be deemed to have, for the purposes of the execution of such work, all the powers which may be exercised under any law for the time being in force by the authority referred to in sub-section (1) of section 16.

(4) The Metropolitan Authority may, for the purpose of carrying out the powers conferred by sub-sections (1) and (2), undertake survey of any area within the Calcutta Metropolitan Area and for that purpose it shall be lawful for any officer of the Metropolitan Authority—

- (a) to enter in or upon any land and to take level of such land;
- (b) to dig or bore into the sub-soil;
- (c) to mark levels and boundaries by placing marks and cutting trenches;
- (d) where otherwise the survey cannot be completed and levels taken and boundaries marked to cut down and clear away any part of any standing crop, fence or jungle:

Provided that before entering upon any land the Metropolitan Authority shall give notice of its intention to do so in such manner as may be specified in the regulations made under this Act.

CHAPTER IV

MISCELLANEOUS

Compulsory acquisition of land for Metropolitan Authority.

18. Any land required by the Metropolitan Authority for carrying out its functions under this Act shall be deemed to be needed for a public purpose and such land may be acquired by the State Government in accordance with any law for the time being in force.

Officers and other employees of the Metropolitan Authority to be public servants.

19. Every officer and other employee of the Metropolitan Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

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Indemnity

20. No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Metropolitan Authority for anything done in good faith under this Act.

Power to make rules.

21. (1) The Metropolitan Authority may, with the previous approval of the State Government, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) place and time of meetings of the Metropolitan Authority and the procedure to be followed at such meetings;

(b) such other matters as are required to be, or may be, prescribed.

Power to make regulations.

22. The Metropolitan Authority may make such regulations as it may think fit for the exercise of its powers and discharge of its functions under this Act.

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Reasons for the enactment

The Government of West Bengal had set up a high-powered planning body named the Calcutta Metropolitan Planning Organisation. This body in collaboration with the Ford Foundation formulated a detailed Basic Development Plan for the Calcutta Metropolitan District in 1966. This envisaged an investment of Rs.107 crores during first phase of five years. However, the State Government could not take up implementation of this plan in the manner and to the extent proposed in this document. Comparatively small allocations could only be provided for this purpose in the years preceding the Fourth Plan. Even in the Fourth Plan the programme for this area is of the order of Rs.43.0 crores. This was considered inadequate in view of the magnitude of the problems of the area. Keeping these in view a thorough reappraisal was undertaken and it was decided that a massive development and recovery programme may be undertaken. In this context necessary schemes in various sectors were identified. These schemes totalled up to about Rs.146.0 crores. It was realised that for financing the envisaged accelerated programme existing plan provisions are inadequate and therefore additional funds would have to be found. With this end in view it was decided that octroi duty should be levied in the Calcutta Metropolitan Area. A *Bill called "the Taxes on Entry of Goods in Calcutta Metropolitan Area Bill, 1970" is already under consideration separately. The Bill envisages a percentage of the tax proceeds to be given by the State Government to an authority for the purpose of financing development programmes and servicing of loans raised for the purpose.

Further, it was considered necessary that additional funds may also be raised by borrowings in the market. Since the Calcutta Metropolitan Area has a large number of municipal and other local authorities it was not considered feasible to let each of these bodies raise loans.

Therefore, it was decided that a high-powered statutory body called the Calcutta Metropolitan Development Authority be set up to raise such loans and to act as the authority envisaged in the aforesaid Bill. In order to secure effective implementation of the Development Plan, it was felt that this authority may also perform the functions of formulation of plans, co-ordination of their execution and supervision of such development projects as are financed by it. The present Bill incorporates these objectives.

The Committee constituted under the proviso to sub-section (2) of section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1970 (17 of 1970) has been consulted before enactment of this measure as a President's Act.

*Since enacted as the Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1970 (President's Act 18 of 1970).