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PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1052-L.—22nd August, 2006.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act XXI of 2006
THE WEST BENGAL MUNICIPAL ELECTIONS
(AMENDMENT) ACT, 2006.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 22nd August, 2006.]

An Act to amend the West Bengal Municipal Elections Act, 1994.

WHEREAS it is expedient to amend the West Bengal Municipal Elections Act, 1994, 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:—

Short title and
commencement.

1. (1) This Act may be called the West Bengal Municipal Elections (Amendment) Act, 2006.

(2) This section shall come into force at once, and the remaining sections shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different sections of this Act.

Amendment of
section 29 of
West Ben. Act
XXXIV of 1994.

2. In section 29 of the West Bengal Municipal Elections Act, 1994 (hereinafter referred to as the principal Act), for sub-section (4), the following sub-section shall be substituted:—

“(4) The office of the Chairperson of a Municipality shall be reserved for a woman candidate for the first term if at least fifty per cent of the total number of elected members are women. The office of the Chairperson of a Municipality shall be reserved for a Scheduled Caste candidate for the second term if at least fifty per cent of the elected members belong to the Scheduled Castes and the Scheduled Tribes of which at least twenty-five per cent of the elected members belong to the Scheduled Castes. The office of the Chairperson of a Municipality shall be reserved for a Scheduled Tribe candidate for the third term where at least fifty per cent of the elected members belong to the Scheduled Castes and the Scheduled Tribes of which at least twenty-five per cent of the elected members belong to the Scheduled Tribes.

West Ben.
Act XXXIV
of 1994.

The West Bengal Municipal Elections (Amendment) Act, 2006.

(Sections 3-6.)

Note.—The word ‘term’ used in this sub-section, shall mean the term as may be determined by the Commission.”

Amendment of
section 30.

3. In section 30 of the principal Act, in sub-section (1), in clause (h), after the words “or appointed”, the words “as a member” shall be inserted.

Amendment of
section 37.

4. In section 37 of the principal Act, in clause (d) for the words “twenty-fifth day”, the words “fourteenth day” shall be substituted.

Substitution of
new section for
section 58.

5. For section 58 of the principal Act, the following section shall be substituted:—

“Procedure in
contested and
uncontested election.

58. (1) If the number of contesting candidate is more than one in a constituency, a poll shall be taken.

(2) If the number of the candidate in a constituency is only one, the Municipal Returning Officer shall forthwith declare such candidate to be duly elected to fill up the seat.

(3) Where the constituency has failed to elect a person to fill the vacancy, the Commission shall not be bound to call upon the constituency to elect a person until it is satisfied that if called upon, there will be no such failure on the part of the constituency.”

Insertion of new
section 70A after
section 70.

6. After section 70 of the principal Act, the following section shall be inserted:—

“Responsibility
of the Council-
lor elected from
more than one
constituency.

70A. If any person is elected in more than one constituency in an election, he shall, within sixty days from the date of the first meeting of the Board of Councillors, after a municipal general election, resign from the constituency excepting one constituency which he shall represent in the Municipality. On his failing to do so within the stipulated time, the Commission, in consultation with the State Government, declare the constituency, excepting one constituency which he shall represent in the Municipality, vacant:

Provided that in case of a municipal by-election, if any person is elected from more than one constituency, such person shall have to resign from constituency, excepting one constituency which he shall represent in the Municipality, within one month from the date of declaration of result. On his failing to do so within the stipulated time, the Commission, in consultation with the State Government, declare the constituency, excepting one constituency which he shall represent in the Municipality, vacant.”

By order of the Governor,

S. K. CHAKRABARTI,
Secy. to the Govt. of West Bengal,
Law Department.