

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Act XLVI of 1994

THE WEST BENGAL MUNICIPAL ELECTIONS (AMENDMENT) ACT, 1994.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 10th October, 1994.]

[10th October, 1994.]

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

West Ben.
Act XXXIV
of 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 Forty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Municipal Elections (Amendment) Act, 1994.

Short title
and
commencement.

(2) It shall come into force at once.

2. In section 2 of the West Bengal Municipal Elections Act, 1994 (hereinafter referred to as the principal Act), in clause (m), for the word, letter and brackets “clause (a)”, the word, letter and brackets “clause (e)” shall be substituted.

Amendment
of section 2
of West Ben.
Act XXXIV
of 1994.

3. For section 3 of the principal Act, the following section shall be substituted:—

“Power to delimit municipal areas into wards. 3. (1) For the purpose of election of members of a Municipality, the Commission shall, having regard to

population, dwelling pattern, geographical conditions and economic considerations of any municipal area, by notification, in the case of a new Municipality, of its own motion, and in the case of a Municipality already in existence at the time the notification is made, after consideration of the views of the Municipality, divide, in such manner as it thinks fit, such municipal area into such number of wards as may be determined by the State Government in this behalf.”

Substitution
of new
section for
section 3.

*The West Bengal Municipal Elections (Amendment)
Act, 1994.*

[West Ben. Act

(Sections 4-9.)

Provided that the number of wards in the municipal areas of the Calcutta Municipal Corporation and the Howrah Municipal Corporation and the boundaries of the wards shall be such as is provided in the Calcutta Municipal Corporation Act, 1980 and the Howrah Municipal Corporation Act, 1980, respectively.

(2) Each ward of a Municipality shall be a single-member constituency.”

West Ben.
Act LIX of
1980.
West Ben.
Act LVIII of
1980.

Amendment
of section 9.

4. In the proviso to section 9 of the principal Act, after the words “the same person to be”, the word “the” shall be inserted.

Amendment
of section 14.

5. In section 14 of the principal Act, for the words “Polling fairly taken.”, the words “poll is fairly taken.” shall be substituted.

Amendment
of section 20.

6. In sub-section (1) of section 20 of the principal Act, for the words “The electoral roll”, the words and figures “Subject to the provisions of section 5 of the West Bengal State Election Commission Act, 1994, the electoral roll” shall be substituted.

Amendment
of section 25.

7. In sub-section (1) of section 25 of the principal Act, for the words “after consultation with”, the words “after consulting” shall be substituted.

Amendment
of section 29.

8. In section 29 of the principal Act,—

(a) in sub-section (1),—

(i) the words “by notification by the Commission” shall be omitted,

(ii) after the words “in every Municipality”, the words “in such manner as may be prescribed” shall be inserted, and

(iii) after the words “may be allotted by rotation to different constituencies of that Municipality by the Commission”, the words “in such manner as may be prescribed” shall be inserted;

(b) in sub-section (3), after the words “may be allotted by rotation to different constituencies of that Municipality by the Commission”, the words “in such manner as may be prescribed” shall be inserted.

Amendment
of section 30.

9. In sub-section (3) of section 30 of the principal Act, for the words, figure and brackets “sub-section (1) and”, the words, figure and brackets “sub-section (1) or” shall be substituted.

*The West Bengal Municipal Elections (Amendment)
Act, 1994.*

XLVI of 1994.]

(Sections 10-16.)

10. In sub-section (1) of section 32 of the principal Act,—

- (a) for the words “under the section”, the words “under section” shall be substituted, and
- (b) for the words “for the removal”, the words “for removal” shall be substituted.

Amendment of section 32.

11. For section 34 of the principal Act, the following section shall be substituted:—

“Disqualification for failure to lodge account of election expenses.”

34. If the Commission is satisfied that a person—

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for such failure,

Substitution of new section for section 34.

the Commission shall, by order published in the *Official Gazette*, declare him to be disqualified, and such person shall be disqualified for a period of three years from the date of the order.”.

12. In sub-section (2) of section 35 of the principal Act, the words “, and his name shall be struck off from the electoral roll” shall be omitted.

Amendment of section 35.

13. In section 52 of the principal Act, the words “, and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the Municipal Returning Officer” shall be omitted.

Amendment of section 52.

14. In sub-section (2) of section 53 of the principal Act, for the words “the Municipal Returning Officer” in the two places where they occur, the words “such officer as may be prescribed” shall be substituted.

Amendment of section 53.

15. In section 74 of the principal Act,—

Amendment of section 74.

- (a) in clause (b), for the word “determine.”, the words “determine, or” shall be substituted;
- (b) after clause (b), the following clause shall be inserted:—
 - (c) for the purposes of elections to a Municipality in any district, the District Judge of that district.”.

16. In section 81 of the principal Act, after the word and figures “Chapter III” in the two places where they occur, the words and figures “of Part VII” shall be inserted.

Amendment of section 81.

*The West Bengal Municipal Elections (Amendment)
Act, 1994.*

[West Ben. Act XLVI of 1994.]

(Sections 17-21.)

Amendment
of section 83.

17. In sub-section (1) of section 83 of the principal Act, for the words “elected to the Municipality”, the words “elected to a Municipality” shall be substituted.

Amendment
of section 84.

18. In section 84 of the principal Act, for the words “It shall be competent”, the words “Subject to the provisions of the Constitution, it shall be competent” shall be substituted.

Amendment
of section 85.

19. In sub-section (4) of section 85 of the principal Act, the words “or, in the case of election of more than one member at the election, one-sixth of the total number of valid votes so polled divided by the number of members to be elected” shall be omitted.

Amendment
of section 88.

20. In section 88 of the principal Act,—

- (a) in sub-section (1), for the words “after consultation with”, the words “after consulting” shall be substituted;
- (b) after sub-section (2), the following sub-section shall be inserted:—

“(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Amendment
of section 89.

21. In section 89 of the principal Act, after the words “by the Municipal Returning Officer or by any other person appointed”, the words and figures “under the West Bengal State Election Commission Act, 1994 or” shall be inserted.

West Ben.
Act VIII
of 1994.