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PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT**

Legislative

NOTIFICATION

No. 108-L.—20th January, 2005.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XVII of 2004

**THE WEST BENGAL MUNICIPAL ELECTIONS
(AMENDMENT) ACT, 2004.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 20th January, 2005.]

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;

West Ben. Act
XXXIV of 1994.

It is hereby enacted in the Fifty-fifth 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, 2004.

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

The West Bengal Municipal Elections (Amendment) Act, 2004.

(Sections 2-7.)

Substitution of new section for section 16 of West Ben. Act XXXIV of 1994.

Insertion of new section 16A.

Amendment of section 20.

Amendment of section 31.

Amendment of section 40.

Amendment of section 41.

2. For section 16 of the West Bengal Municipal Elections Act, 1994 (hereinafter referred to as the principal Act), the following section shall be substituted:—

“Electoral rolls for 16. The electoral roll for every Municipality shall consist of Municipalities. electoral rolls for all the Constituencies comprised within the Municipality and the electoral rolls of a Constituency shall be divided into different parts for different localities comprised in that Constituency.”.

3. After section 16 of the principal Act, the following section shall be inserted:—

“Adoption of electoral rolls for Municipalities. 16A. The electoral roll for the time being in force for the election of Members to the West Bengal Legislative Assembly may, at the discretion of the State Election Commissioner, be adopted as the electoral roll for election of members, by whatever name called, to a Municipality to such extent, and in such manner, as the State Election Commissioner thinks fit.

4. In sub-section (1) of section 20 of the principal Act, for the words and figures “Subject to provisions of section 5 of the West Bengal State Election Commission Act, 1994,”, the words, figures and letter “If the State Election Commissioner does not adopt the electoral roll referred to in section 16A,” shall be substituted.

West Ben. Act VIII of 1994.

5. In sub-section (1) of section 31 of the principal Act, for the words “the State Government making a declaration to that effect”, the words “the Commission making a declaration to that effect by notification” shall be substituted.

6. In section 40 of the principal Act,—

(1) in sub-section (1),—

(a) before the existing proviso, the following proviso shall be inserted:—

“Provided that a candidate not set up by a recognised Political Party, shall not be deemed to be duly nominated for election unless the nomination paper is subscribed by ten proposers being electors of the Constituency;”;

(b) in the existing proviso, for the words “Provided that”, the words “Provided further that” shall be substituted;

(2) in sub-section (4), after the words “the candidate and his proposer”, the words “or the proposers, as the case may be,” shall be inserted;

(3) after sub-section (6), the following sub-section shall be inserted:—

“(7) Every candidate shall, with the nomination paper, file an affidavit in such manner as may be prescribed by the Commission. The affidavit under this sub-section shall, unless it is produced along with the nomination paper, be produced before the Municipal Returning Officer at the time of scrutiny.”.

7. For sub-section (1) of section 41 of the principal Act, the following sub-section shall be substituted:—

“(1) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited a sum of five hundred rupees or, where the candidate is a member of the Scheduled Castes or Scheduled Tribes or a woman, a sum of two hundred and fifty rupees:

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him under this sub-section.”.

*The West Bengal Municipal Elections (Amendment) Act, 2004.**(Section 8.)*

Amendment of
section 46.

8. In section 46 of the principal Act,—

(1) for sub-section (2), the following sub-section shall be substituted:—

“(2) For the purpose of listing the names under sub-section (1), the candidates shall be classified as follows, namely:—

- (i) candidates of recognised political parties;
- (ii) candidates of registered political parties other than those mentioned in clause (i);
- (iii) other candidates.”;

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

“(3) The candidates mentioned in sub-section (2) shall be arranged in the order specified therein and the names of candidates in each category shall be arranged in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed.”.

By order of the Governor,

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