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GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

West Bengal Act XXXVI of 1994

**THE WEST BENGAL MUNICIPAL CORPORATION
LAWS (THIRD AMENDMENT) ACT, 1994.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 20th July, 1994.]

[20th July, 1994.]

An Act to amend the Chandernagore Municipal Act, 1955, the Howrah Municipal Corporation Act, 1980, the Calcutta Municipal Corporation Act, 1980, the Siliguri Municipal Corporation Act, 1990, the Asansol Municipal Corporation Act, 1990, and the Chandernagore Municipal Corporation Act, 1990.

West Ben.
Act XVIII of
1955.

West Ben.
Act LVIII of
1980.

West Ben.
Act LIX of
1980.

West Ben.
Act XXX of
1990.

West Ben.
Act XXXI of
1990.

West Ben.
Act XXXII
of 1990.

WHEREAS it is expedient to amend the Chandernagore Municipal Act, 1955, the Howrah Municipal Corporation Act, 1980, the Calcutta Municipal Corporation Act, 1980, the Siliguri Municipal Corporation Act, 1990, the Asansol Municipal Corporation Act, 1990, and the Chandernagore Municipal Corporation Act, 1990, 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 Corporation Laws (Third Amendment) Act, 1994.

Short title
and
commencement.

(2) Section 7 shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of June, 1994.

2. In the Chandernagore Municipal Act, 1955, after section 9, the following section shall be inserted:—

‘Saving as to holding of certain office. 9A. Notwithstanding anything contained in this Act or in any other law for the time being in force, any person elected to the Corporation as Alderman and holding office as such immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994, shall continue to

Amendment
of West Ben.
Act XVIII
of 1955.

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hold such office till the expiration of his term of office in accordance with the provisions of this Act in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.

Explanation.—“Alderman” shall mean a person elected to the Corporation as Alderman by the Councillors referred to in clause (ii) of section 5 in accordance with the provisions of this Act, and the rules made thereunder, in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.’.

Amendment
of West Ben.
Act LVIII of
1980.

3. In the Howrah Municipal Corporation Act, 1980,—

(1) in section 2,—

(a) for clause (11), the following clause shall be substituted:—

‘(11) “elected member” means an elected Councillor,’;

(b) after clause (18), the following clause shall be inserted:—

‘(18A) “member” means an elected Councillor, and includes a person nominated by the State Government under clause (b) of sub-section (1) of section 5,’;

(c) after clause (28), the following clause shall be inserted:—

‘(28A) “State Election Commission” means the West Bengal State Election Commission referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994,’;

(2) in section 5,—

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

“(1) The Corporation shall consist of the following members, namely:—

(a) fifty elected Councillors, and

(b) such persons having special knowledge or experience in municipal administration as the State Government may nominate from time to time:

Provided that such persons shall not have the right to vote in the meetings of the Corporation.”;

(b) sub-section (3) shall be omitted;

West Ben.
Act VIII of
1994.

*The West Bengal Municipal Corporation Laws
(Third Amendment) Act, 1994.*

XXXVI of 1994.]

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- (3) in sub-section (2) of section 9, for the word "supersession", the word "dissolution" shall be substituted;
- (4) in section 11,—
 - (a) in sub-section (2), the words " , other than the members of the Mayor-in-Council," shall be omitted;
 - (b) in sub-section (4), after the word "Chairman", the words "who shall not be a member of the Mayor-in-Council or the Chairmn of the Corporation" shall be inserted;
- (5) after section 11, the following section shall be inserted:—

"Ward Committee. 11A. (1) Each ward of the Corporation shall have a Ward Committee.

 - (2) The composition and functions of the Ward Committee shall be such as the State Government may by notification determine.
 - (3) The Councillor elected from a ward shall be the Chairperson of the Ward Committee for that ward.";
- (6) in Chapter V,—
 - (a) in the heading, the words "and Aldermen" shall be omitted;
 - (b) for section 30, the following section shall be substituted:—

"Election to 30. The superintendene, direction and Corporation. control of the preparation of electoral rolls for, and the conduct of, all elections to the Corporation shall vest in the State Election Commission.";
 - (c) sections 31, 32, 33, 34, 35, 36, 37, 38 and 39 shall be omitted;
 - (d) in section 40,—
 - (i) in the marginal note, the words "and Aldermen" shall be omitted;
 - (ii) in sub-section (1),—
 - (A) the words "or an Alderman" shall be omitted;
 - (B) for the words "from the date of his election as Councillor or Alderman, as the case may be:", the words "from the date appointed for the first meeting of the Corporation and no longer:" shall be substituted;
 - (C) in the proviso,—
 - (1) the words "or an Alderman" shall be omitted;
 - (2) the words "or the Alderman, as the case may be," shall be omitted;
 - (iii) in sub-section (2), the words "or an Alderman" shall be omitted;
 - (e) sections 41 and 42 shall be omitted;

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- (7) in sub-section (1) of section 45, for the words "of the election of Aldermen under the rules made under this Act", the word "thereof" shall be substituted;
- (8) in sub-section (1) of section 49, the words "or Alderman" shall be omitted;
- (9) in section 50, the words "or an Alderman" shall be omitted;
- (10) in sub-section (1) of section 51, the words "or Alderman" shall be omitted;
- (11) in section 53,—
 - (a) in the marginal note, for the word "supersede" the word "dissolve" shall be substituted;
 - (b) in sub-section (1),—
 - (i) for the words "and supersede it, either entirely or in respect of such functions as may be specified in the order, for such period not exceeding twelve months," the words "and dissolve it for such period, not exceeding six months," shall be substituted;
 - (ii) in the proviso, in clause (b), after the words "by the State Government", the words "after giving the Corporation a reasonable opportunity of being heard" shall be inserted;
 - (c) for sub-section (2), the following sub-section shall be substituted:—

"(2) Where the Corporation has been dissolved under sub-section (1), an election to constitute the Corporation shall be completed before the expiry of six months from the date of its dissolution:

Provided that where the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election to constitute the Corporation for such period:

Provided further that the Corporation constituted upon the dissolution thereof before the expiration of the term of office under section 40 shall continue only for the remainder of the period for which the dissolved Corporation would have continued had it not been so dissolved.";

- (12) in section 54,—
 - (a) in the marginal note, for the word "supersession.", the word "dissolution." shall be substituted;
 - (b) in clause (a) of sub-section (1), the words "except in a case where the supersession is partial," shall be omitted;
 - (c) in sub-section (2), for the word "supersession", the word "dissolution" shall be substituted;

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- (13) after section 226, the following sections shall be inserted:—
- ‘Responsibilities 226A. Subject to the provisions of the of Corporation. Constitution of India, the Corporation may, in its discretion, provide for—
- (a) the preparation of plans for economic development and social justice;
 - (b) the performance of functions and the implementation of schemes as may be entrusted to it including those in relation to the matters specified below:—
 - (i) urban planning including town planning;
 - (ii) regulation of land-use and construction of buildings;
 - (iii) planning for economic and social development;
 - (iv) roads and bridges;
 - (v) water supply for domestic, industrial and commercial purposes;
 - (vi) public health, sanitation, conservancy and solid waste management;
 - (vii) urban forestry, protection of the environment and promotion of ecological aspects;
 - (viii) safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded;
 - (ix) slum improvement and upgradation;
 - (x) urban poverty alleviation;
 - (xi) provision of urban amenities and facilities such as parks, gardens and playgrounds;
 - (xii) promotion of cultural, educational and aesthetic aspects;
 - (xiii) burials and burial grounds; cremations, cremation grounds and electric crematoriums;
 - (xiv) cattle pounds; prevention of cruelty to animals;
 - (xv) vital statistics including registration of births and deaths;
 - (xvi) public amenities including street lighting, parking lots, bus stops and public conveniences;
 - (xvii) regulation of slaughter-houses and tanneries.

Saving as to holding of certain office. 226B. Notwithstanding anything contained in this Act or in any other law for the time being in force, any person elected to the Corporation as Alderman and holding office as such immediately before the commencement of the West

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(Section 4.)

Bengal Municipal Corporation Laws (Third Amendment) Act, 1994, shall continue to hold such office till the expiration of his term of office in accordance with the provisions of this Act in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.

Explanation.—“Alderman” shall mean a person elected to the Corporation as Alderman by the Councillors referred to in clause (3) of sub-section (1) of section 5 in accordance with the provisions of this Act, and the rules made thereunder, in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.’.

Amendment
of West
Ben. Act
LIX of
1980.

4. In the Calcutta Municipal Corporation Act, 1980,—
 - (1) in section 2,—
 - (a) for clause (35), the following clause shall be substituted:—

‘(35) “elected member” means an elected Councillor;’;
 - (b) after clause (51), the following clause shall be inserted:—

‘(51A) “member” means an elected Councillor, and includes a person nominated by the State Government under clause (b) of sub-section (1) of section 5;’;
 - (c) after clause (81), the following clause shall be inserted:—

‘(81A) “State Election Commission” means the West Bengal State Election Commission referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;’;
 - (2) in section 5,—
 - (a) for sub-section (1), the following sub-section shall be substituted:—

“(1) The Corporation shall consist of the following members, namely:—

 - (a) one hundred and forty-one elected Councillors, and
 - (b) such persons having special knowledge or experience in municipal administration as the State Government may nominate from time to time:

Provided that such persons shall not have the right to vote in the meetings of the Corporation;”;
 - (b) sub-section (3) shall be omitted;

West Ben.
Act VIII of
1994.

*The West Bengal Municipal Corporation Laws
(Third Amendment) Act, 1994.*

XXXVI of 1994.]

(Section 4.)

- (3) in section 11,—
- (a) in sub-section (2), the words and figure “, other than the Chairman elected under section 6 and the Mayor and the Deputy Mayor,” shall be omitted;
 - (b) in sub-section (4), after the word “Chairman”, the words “who shall not be a member of the Mayor-in-Council or the Chairman of the Corporation” shall be inserted;
- (4) after section 11, the following section shall be inserted:—
- “Ward Committee. 11A. (1) Each ward of the Corporation shall have a Ward Committee.
- (2) The composition and functions of the Ward Committee shall be such as the State Government may by notification determine.
 - (3) The Councillor elected from a ward shall be the Chairperson of the Ward Committee for that ward.”;
- (5) in clause (s) of section 30, for the words “and orderly urban growth”, the words “orderly urban growth, economic development and social justice and to prevent cruelty to animals” shall be inserted;
- (6) in Chapter V,—
- (a) in the heading, the words “and Aldermen” shall be omitted;
 - (b) for section 50, the following section shall be substituted:—

“Election to 50. The superintendence, direction and Corporation. control of the preparation of electoral rolls for, and the conduct of, all elections to the Corporation shall vest in the State Election Commission.”;
 - (c) sections 51, 52, 53, 54, 55, 56, 57, 58, 59 and 60 shall be omitted;
 - (d) in section 61,—
 - (i) in the marginal note, the words “Councillor or Alderman or” shall be omitted;
 - (ii) in sub-section (1), the words “for being elected a Councillor or Alderman or” shall be omitted;
 - (e) sections 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77 and 78 shall be omitted;
 - (f) in section 79,—
 - (i) in the marginal note, the words “and Alderman” shall be omitted;
 - (ii) the words “or an Alderman” shall be omitted;
 - (iii) the words “/an Alderman” shall be omitted;

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- (g) in section 81,—
- (i) in the marginal note, the words “and Aldermen” shall be omitted;
 - (ii) for sub-section (1), the following sub-section shall be substituted:—

“(1) Subject to the provisions of section 83, a Councillor shall hold office for a term of five years from the date appointed for the first meeting of the Corporation under section 95 and no longer.”;
 - (iii) in sub-section (2), the words “or an Alderman” shall be omitted;
- (h) section 82 shall be omitted;
- (i) for section 83, the following section shall be substituted:—
- ‘Casual 83. (1) When the seat of an elected vacancies. member becomes vacant or is declared vacant or his election to the Corporation is declared void, the State Election Commission shall by notification call upon the constituency from which he was elected to the Corporation, to elect a person for the purpose of filling the vacancy caused by the reason of the seat as aforesaid becoming vacant or being declared vacant or his election as aforesaid being declared void, as the case may be, before such date as may be specified in the notification, and the provisions of any law that the State Legislature may make with respect to all matters relating to, or in connection with, elections to the Municipalities, shall, as far as may be, apply to such election.
- (2) A person so elected shall, subject to the other provisions of this Act, hold office for the unexpired portion of the term of office of his predecessor.
- Explanation.*—The word “Municipality” shall have the meaning assigned to it in clause (e) of section 243p of the Constitution of India.’;
- (j) sections 84, 85, 86, 87, 88, 89, 90, 91 and 92 shall be omitted;
- (7) in section 95, for the words and figures “of the election of Alderman under section 74”, the word “thereof” shall be substituted;

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- (8) in section 100,—
 - (a) in the marginal note, the words “and Alderman” shall be omitted;
 - (b) in sub-section (2), the words “or Alderman” in the two places where they occur shall be omitted;
 - (c) in sub-section (3),—
 - (i) the words “or Alderman”, wherever they occur, shall be omitted;
 - (ii) the words “or the Alderman” shall be omitted;
- (9) in section 102,—
 - (a) in sub-section (1), the words “or an Alderman” shall be omitted;
 - (b) in sub-section (2), the words “or Alderman” shall be omitted;
- (10) in section 105,—
 - (a) in the marginal note, the words “and Aldermen” shall be omitted;
 - (b) in sub-section (1), the words “or an Alderman” shall be omitted;
- (11) in section (1) of section 106, the words “or Alderman” shall be omitted;
- (12) in sub-section (1) of section 107, the words “or Alderman” shall be omitted;
- (13) sub-section (2) of section 108 shall be omitted;
- (14) in section 117,—
 - (a) in the marginal note, for the word “supersede”, the word “dissolve” shall be substituted;
 - (b) in sub-section (1),—
 - (i) for the word “supersede”, the word “dissolve” shall be substituted;
 - (ii) for the words “twelve months”, the words “six months” shall be substituted;
 - (c) in clause (c) of sub-section (2),—
 - (i) for the words “and such report”, the words “and such report:” shall be substituted, and
 - (ii) the following proviso shall be added at the end:—

“Provided that notwithstanding anything contained in sub-section (1), no order of dissolution of the Corporation shall be made without giving the Corporation a reasonable opportunity of being heard.”;

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(Section 4.)

- (d) in sub-section (4),—
 - (i) for the word “supersede”, the word “dissolve” shall be substituted, and
 - (ii) for the words “twelve months”, the words “six months” shall be substituted;
- (e) for sub-section (5), the following sub-section shall be substituted:—

“(5)Where the Corporation has been dissolved under sub-section (1), or sub-section (4), an election to constitute the Corporation shall be completed before the expiry of six months from the date of its dissolution:

Provided that where the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election to constitute the Corporation for such period:

Provided further that the Corporation constituted upon the dissolution thereof before the expiration of the term of office under section 81 shall continue only for the remainder of the period for which the dissolved Corporation would have continued had it not been so dissolved.”;

- (15) in section 118,—
 - (a) in the marginal note, for the word “supersession.”, the word “dissolution.” shall be substituted;
 - (b) in sub-section (1), for the word “supersession”, the word “dissolution” shall be substituted;
 - (c) in sub-section (2), for the words “supersession”, the word “dissolution” shall be substituted;

- (16) in Chapter XXXVIII, under the heading “Supplemental Provisions”, under the sub-heading “C. Savings”, after section 631, the following section shall be inserted:—

“Saving as to 631A. Notwithstanding anything contained in this Act or in any other law for the certain office. time being in force, any person elected to the Corporation as Alderman and holding office as such immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994, shall continue to hold such office till the expiration of his term of office in accordance with the provisions of this Act in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.

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(Section 5.)

Explanation.—“Alderman” shall mean a person elected to the Corporation as Alderman by the Councillors referred to in clause (a) of sub-section (1) of section 5 in accordance with the provisions of this Act, and the rules made thereunder, in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.’.

5. In the Siliguri Municipal Corporation Act, 1990,—

(1) in section 2,—

- (a) in clause (32), for the words “or an Alderman thereof;”, the words, letter, figures and brackets “, and includes a person nominated under clause (b) of sub-section (1) of section 5;” shall be substituted;
- (b) after clause (66), the following clause shall be inserted:—
‘(66A) “State Election Commission” means the West Bengal State Election Commission referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;’;

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of West Ben.
Act XXX of
1990.

(2) in section 5,—

- (a) for clause (b) of sub-section (1), the following clause shall be substituted:—
“(b) such persons having special knowledge or experience in municipal administration as the State Government may nominate from time to time;

Provided that such persons shall not have the right to vote in the meetings of the Corporation.”;

- (b) the proviso to sub-section (2) shall be omitted;
- (c) sub-sections (3), (4), (5) and (6) shall be omitted;

(3) in section 5A,—

(a) in sub-section (1),—

- (i) the words “or Alderman” shall be omitted, and
- (ii) the word “/Alderman” shall be omitted;
- (b) in sub-section (2), the words “or Alderman” shall be omitted;
- (c) in sub-section (3), the words “or Alderman” shall be omitted;

(4) in sub-section (2) of section 7, for the word “supersession”, the word “dissolution” shall be substituted;

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of 1994.

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(Third Amendment) Act, 1994.*

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(5) in section 11,—

- (a) in sub-section (2), the words “, other than the members of the Mayor-in-Council,” shall be omitted;
- (b) in sub-section (4), after the word “Chairman”, the words “who shall not be a member of the Mayor-in-Council or the Chairman of the Corporation” shall be inserted;

(6) in Chapter IV,—

- (a) in the heading, the words “and Aldermen” shall be omitted;

(b) for section 30, the following section shall be substituted:—

“Election to 30. The superintendence, direction and Corporation. control of the preparation of electoral rolls for, and the conduct of, all elections to the Corporation shall vest in the State Election Commission.”;

- (c) sections 31, 32, 33, 34, 35, 36, 37, 38 and 39 shall be omitted;

(d) in section 40,—

- (i) in the marginal note, the words “and Aldermen” shall be omitted;

(ii) in sub-section (1),—

(A) the words “or an Alderman” shall be omitted;

(B) for the words “from the date of his election as Councillor or Alderman, as the case may be:”, the words “from the date appointed for the first meeting of the Corporation and no longer:” shall be substituted;

(C) in the proviso,—

(1) the words “or an Alderman” shall be omitted;

(2) the words “or the Alderman, as the case may be” shall be omitted;

(iii) in sub-section (2), the words “or an Alderman” shall be omitted;

- (c) sections 41 and 42 shall be omitted;

(7) in sub-section (1) of section 45, for the words “of the election of Aldermen under the rules made under this Act”, the word “thereof” shall be substituted;

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- (8) in sub-section (1) of section 49, the words "or Alderman" shall be omitted;
- (9) in section 50, the words "or an Alderman" shall be omitted;
- (10) in sub-section (1) of section 51, the words "or Alderman" shall be omitted;
- (11) in section 53,—
 - (a) in the marginal note, for the word "supersede", the word "dissolve" shall be substituted;
 - (b) in sub-section (1),—
 - (i) for the words "and supersede it, either entirely or in respect of such functions as may be specified in the order, for such period not exceeding twelve months", the words "and dissolve it for such period, not exceeding six months," shall be substituted;
 - (ii) in the proviso, in clause (b), after the words "by the State Government", the words "after giving the Corporation a reasonable opportunity of being heard" shall be inserted;
 - (c) for sub-section (2), the following sub-section shall be substituted:—

“(2) Where the Corporation has been dissolved under sub-section (1), an election to constitute the Corporation shall be completed before the expiry of six months from the date of its dissolution:

Provided that where the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election to constitute the Corporation for such period:

Provided further that the Corporation constituted upon the dissolution thereof before the expiration of the term of office under section 40 shall continue only for remainder of the period for which the dissolved Corporation would have continued had it not been so dissolved.”;
- (12) in section 54,—
 - (a) in the marginal note, for the word "supersession", the word "dissolution" shall be substituted;
 - (b) in clause (a) of sub-section (1), the words "except in a case where the supersession is partial," shall be omitted;
 - (c) in sub-section (2), for the word "supersession", the word "dissolution" shall be substituted;
 - (d) in sub-section (3), the words, figure and brackets, " or sub-section (2)," shall be omitted;

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(Section 6.)

(13) after section 270, the following section shall be inserted:—

‘Saving as to 270A. Notwithstanding anything contained holding of certain office. in this Act or in any other law for the time being in force, any person elected to the Corporation as Alderman and holding office as such immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994, shall continue to hold such office till the expiration of his term of office in accordance with the provisions of this Act in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.

Explanation.—“Alderman” shall mean a person elected to the Corporation as Alderman by the Councillors referred to in clause (a) of sub-section (1) of section 5 in accordance with the provisions of this Act, and the rules made thereunder, in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.’;

(14) in section 279, the words “every Alderman,” shall be omitted.

6. In the Asansol Municipal Corporation Act, 1990,—

(1) in section 2,—

(a) in clause (32), for the words “or an Alderman thereof;”, the words, letter, figures and brackets “, and includes a person nominated under clause (b) of sub-section (1) of section 5;” shall be substituted;

(b) after clause (65), the following clause shall be inserted:—

‘(65A) “State Election Commission” means the West Bengal State Election Commission referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;’;

(2) in section 5,—

(a) for clause (b) of sub-section (1), the following clause shall be substituted:—

“(b) such persons having special knowledge or experience in municipal administration as the State Government may nominate from time to time:

Provided that such persons shall not have the right to vote in the meetings of the Corporation.”;

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of 1994.

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- (b) the proviso to sub-section (2) shall be omitted;
- (c) sub-sections (3), (4), (5) and (6) shall be omitted;
- (3) in section 5A,—
 - (a) in sub-section (1),—
 - (i) the words “or Alderman” shall be omitted, and
 - (ii) the word “/Alderman” shall be omitted;
 - (b) in sub-section (2), the words “or Alderman” shall be omitted;
 - (c) in sub-section (3), the words “or Alderman” shall be omitted;
- (4) in sub-section (2) of section 7, for the word “supersession”, the word “dissolution” shall be substituted;
- (5) in section 11,—
 - (a) in sub-section (2), the words, “other than the members of the Mayor-in-Council,” shall be omitted;
 - (b) in sub-section (4), after the word “Chairman”, the words “who shall not be a member of the Mayor-in-Council or the Chairman of the Corporation” shall be inserted;
- (6) in Chapter IV,—
 - (a) in the heading, the words “and Aldermen” shall be omitted;
 - (b) for section 30, the following section shall be substituted:—

“Election to 30. The superintendence, direction and Corporation. control of the preparation of electoral rolls for, and the conduct of, all elections to the Corporation shall vest in the State Election Commission.”;
 - (c) sections 31, 32, 33, 34, 35, 36, 37, 38 and 39 shall be omitted;
 - (d) in section 40,—
 - (i) in the marginal note, the words “and Aldermen” shall be omitted;
 - (ii) in sub-section (1),—
 - (A) the words “or an Alderman” shall be omitted;
 - (B) for the words “from the date of his election as Councillor or Alderman, as the case may be:”, the words “from the date appointed for the first meeting of the Corporation and no longer;” shall be substituted;
 - (C) in the proviso,—
 - (1) the words “or an Alderman” shall be omitted;
 - (2) the words “or the Alderman, as the case may be” shall be omitted;

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- (iii) in sub-section (2), the words "or an Alderman" shall be omitted;
- (e) sections 41 and 42 shall be omitted;
- (7) in sub-section (1) of section 45, for the words "of the election of Aldermen under the rules made under this Act", the word "thereof" shall be substituted;
- (8) in sub-section (1) of section 49, the words "or Alderman" shall be omitted;
- (9) in section 50, the words "or an alderman" shall be omitted;
- (10) in sub-section (1) of section 51, the words "or Alderman" shall be omitted;
- (11) in section 53,—
 - (a) in the marginal note, for the word "supersede", the word "dissolve" shall be substituted;
 - (b) in sub-section (1),—
 - (i) for the words "and supersede it, either entirely or in respect of such functions as may be specified in the order, for such period not exceeding twelve months," the words "and dissolve it for such period, not exceeding six months," shall be substituted;
 - (ii) in the proviso, in clause (b), after the words "by the State Government", the words "after giving the Corporation a reasonable opportunity of being heard" shall be inserted;
 - (c) for sub-section (2), the following sub-section shall be substituted:—

"(2)Where the Corporation has been dissolved under sub-section (1), an election to constitute the Corporation shall be completed before the expiry of six months from the date of its dissolution:

Provided that where the period for which the dissolved Corporation would have continued is less than six months, it shall be necessary to hold any election to constitute the Corporation for such period:

Provided further that the Corporation constituted upon the dissolution thereof before the expiration of the term of office under section 40 shall continue only for the remainder of the period for which the dissolved Corporation would have continued had it not been so dissolved.";

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(Third Amendment) Act, 1994.*

XXXVI of 1994.]

(Section 7.)

- (12) in section 54,—
- (a) in the marginal note, for the word “supersession.”, the word “dissolution.” shall be substituted;
 - (b) in clause (a) of sub-section (1), the words “except in a case where the supersession is partial,” shall be omitted;
 - (c) in sub-section (2), for the word “supersession”, the word “dissolution” shall be substituted;
 - (d) in sub-section (3), the words, figure and brackets “or sub-section (2),” shall be omitted;
- (13) after section 270, the following section shall be inserted:—
- ‘Saving as 270A. Notwithstanding anything contained to holding of certain in this Act or in any other law for the time being office. in force, any person elected to the Corporation as Alderman and holding office as such immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994, shall continue to hold such office till the expiration of his term of office in accordance with the provisions of this Act in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.
- Explanation.*—“Alderman” shall mean a person elected to the Corporation as Alderman by the Councillors referred to in clause (a) of sub-section (1) of section 5 in accordance with the provisions of this Act, and the rules made thereunder, in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.’;
- (14) in section 279, the words “every Alderman,” shall be omitted.
7. In the Chandernagore Municipal Corporation Act, 1990,—
- (1) in section 2,—
- (a) in clause (34), for the words “or an Alderman thereof;”, the words, letter, figures and brackets “, and includes a person nominated under clause (b) of sub-section (1) of section 5;” shall be substituted;
 - (b) after clause (67), the following clause shall be inserted:—
- ‘(67A) “State Election Commission” means the West Bengal State Election Commission referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;’;

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Act XXXII
of 1990.

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(2) in section 5,—

(a) for clause (b) of sub-section (1), the following clause shall be substituted:—

“(b) such persons having special knowledge or experience in municipal administration as the State Government may nominate from time to time:

Provided that such persons shall not have the right to vote in the meetings of the Corporation.”;

(b) the proviso to sub-section (2) shall be omitted;

(c) sub-sections (3), (4), (5) and (6) shall be omitted;

(3) in section 5A,—

(a) in sub-section (1),—

(i) the words “or Alderman” shall be omitted, and
(ii) the word “/Alderman” shall be omitted;

(b) in sub-section (2), the words “or Alderman” shall be omitted;

(c) in sub-section (3), the words “or Alderman” shall be omitted;

(4) in sub-section (2) of section 7, for the word “supersession”, the word “dissolution” shall be substituted;

(5) in section 11,—

(a) in sub-section (2), the words, “other than the members of the Mayor-in-Council,” shall be omitted;

(b) in sub-section (4), after the word “Chairman”, the words “who shall not be a member of the Mayor-in-Council or the Chairman of the Corporation” shall be inserted;

(6) in Chapter IV,—

(a) in the heading, the words “and Aldermen” shall be omitted;

(b) for section 32, the following section shall be substituted:—

“Election to 32. The superintendence, direction and Corporation. control of the preparation of electoral rolls for, and the conduct of, all elections to the Corporation shall vest in the State Election Commission.”;

(c) sections 33, 34, 35, 36, 37, 38, 39, 40 and 41 shall be omitted;

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(d) in section 42,—

(i) in the marginal note, the words “and Aldermen” shall be omitted;

(ii) in sub-section (1),—

(A) the words “or an Alderman” shall be omitted;

(B) for the words “from the date of his election as Councillor or Alderman, as the case may be:”, the words “from the date appointed for the first meeting of the Corporation and no longer:” shall be substituted;

(C) in the proviso,—

(1) the words “or an Alderman” shall be omitted;

(2) the words “or the Alderman, as the case may be” shall be omitted;

(iii) in sub-section (2), the words “or an Alderman” shall be omitted;

(e) sections 43 and 44 shall be omitted;

(7) in sub-section (1) of section 47, for the words “of the election of Aldermen under the rules made under this Act”, the word “thereof” shall be substituted;

(8) in sub-section (1) of section 51, the words “or Alderman” shall be omitted;

(9) in section 52, the words “or an Alderman” shall be omitted;

(10) in sub-section (1) of section 53, the words “or Alderman” shall be omitted;

(11) in section 55,—

(a) in the marginal note, for the word “supersede”, the word “dissolve” shall be substituted;

(b) in sub-section (1),—

(i) for the words “and supersede it, either entirely or in respect of such functions as may be specified in the order, for such period not exceeding twelve months,”, the words “and dissolve it for such period, not exceeding six months,” shall be substituted;

(ii) in the proviso, in clause (b), after the words “by the State Government”, the words “after giving the Corporation a reasonable opportunity of being heard” shall be inserted;

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

“(2) Where the Corporation has been dissolved under sub-section (1), an election to constitute the Corporation shall be completed before the expiry of six months from the date of its dissolution:

Provided that where the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election to constitute the Corporation for such period:

Provided further that the Corporation constituted upon the dissolution thereof before the expiration of the term of office under section 40 shall continue only for the remainder of the period for which the dissolved Corporation would have continued had it not been so dissolved.”;

(12) in section 56,—

- (a) in the marginal note, for the word “supersession.”, the word “dissolution.” shall be substituted;
- (b) in clause (a) of sub-section (1), the words “except in a case where the supersession is partial,” shall be omitted;
- (c) in sub-section (2), for the word “supersession”, the word “dissolution” shall be substituted;
- (d) in sub-section (3), the words, figure and brackets “, or sub-section (2),” shall be omitted;

(13) in section 282, the words “every Alderman,” shall be omitted.

8. (1) The West Bengal Municipal Corporation Laws (Second Amendment) Ordinance, 1994, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Howrah Municipal Corporation Act, 1980, or the Calcutta Municipal Corporation Act, 1980, or the Siliguri Municipal Corporation Act, 1990, or the Asansol Municipal Corporation Act, 1990, as amended by the said Ordinance, shall be deemed to have been validly done or taken under the Howrah Municipal Corporation Act, 1980, or the Calcutta Municipal Corporation Act, 1980, or the Siliguri Municipal Corporation Act, 1990, or the Asansol Municipal Corporation Act, 1990, as amended by this Act, as the case may be.

Repeal and saving.

West Ben.
Ord. IV of
1994.

West Ben.
Act LVIII
of 1980.

West Ben.
Act LIX of
1980.

West Ben.
Act XXX of
1990.

West Ben.
Act XXXI
of 1990.

*The West Bengal Municipal Corporation Laws
(Third Amendment) Act, 1994.*

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(Section 9.)

9. Anything done or any action taken under—Validation.
- (a) the Chandernagore Municipal Act, 1955,
 - (b) the Howrah Municipal Corporation Act, 1980,
 - (c) the Calcutta Municipal Corporation Act, 1980,
 - (d) the Siliguri Municipal Corporation Act, 1990,
or
 - (e) the Asansol Municipal Corporation Act, 1990,
- as amended by this Act before the publication of this Act in the *Official Gazette* shall be deemed to have been validly done or taken under—
- (i) the Chandernagore Municipal Act, 1955,
 - (ii) the Howrah Municipal Corporation Act, 1980,
 - (iii) the Calcutta Municipal Corporation Act, 1980,
 - (iv) the Siliguri Municipal Corporation Act, 1990, or
 - (v) the Asansol Municipal Corporation Act, 1990,
- as amended by this Act, as the case may be, as if this Act were in force when such thing was done or such action was taken.
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