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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

NOTIFICATION

No. 1052.—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 ad 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 section 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:—

West Ben. Act. XXXIV of 1994.

“(4) The official of the Chairperson of a Municipal shall be reserved for a woman candidate for the first term if at least fifty per cent of the total number of elected member are woman. The office of the Chairperson of A Municipality shall be reserved for a Scheduled Caste candidate for the second term if at least fifty percent 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 atleast twenty-five per cent the elected members belong to the Scheduled Tribes.

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 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:—

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 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 he Municipality, vacant. “.

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