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PART IV A

Bills introduced in the Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF BENGAL.

Legislative Department.

NOTIFICATION.

No. 66 L.—30th January 1939.—The Governor having been pleased to order, under rule 19 of the Bengal Legislative Council Rules, 1920 as modified and adapted for the Bengal Legislative Council and for the Bengal Legislative Assembly, respectively, under section 84(3) of the Government of India Act, 1935, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE CALCUTTA MUNICIPAL (AMENDMENT) BILL, 1939.

A
BILL*further to amend the Calcutta Municipal Act, 1923.*

WHEREAS it is expedient further to amend the Calcutta Municipal Act, 1923, in the manner hereinafter appearing; Ben. Act III of 1923.

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Calcutta Municipal (Amendment) Act, 1939.

(2) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 3 of Bengal Act III of 1923.

2. In section 3 of the Calcutta Municipal Act, 1923 (hereinafter referred to as the said Act)—

(1) after clause (3) the following clause shall be inserted, namely:—

“(3A) ‘Anglo-Indian’ means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India;”, and

[Cf. Govt. of India Act, 1935, First Schedule, para. 26 (1).]

(2) after clause (6I) the following clause shall be inserted, namely:—

“(6IA) ‘scheduled castes’ mean the castes, races or tribes, or parts of or groups within castes, races or tribes specified in Part III of the Schedule to the Government of India (Scheduled Castes) Order, 1936;”.

Amendment of section 5.

3. In section 5 of the said Act—

(1) in clause (a) for the word “seventy-seven” the word “eighty-four” shall be substituted, and

(2) for clause (b) the following clause shall be substituted, namely:—

“(b) ten Councillors to be appointed by the Provincial Government,

(i) to secure the association in the municipal administration of persons specially fitted in the opinion of the Provincial Government for appointment as Councillors; and

(ii) to secure the representation of such minorities, including backward classes, as are not specially represented by elected Councillors:

Provided that the Provincial Government may, in addition to the persons elected as Councillors to represent labour constituency, appoint one Councillor to represent the interests of labour employed within the limits of Calcutta, and”.

Amendment of section 8.

4. In section 8 of the said Act for the words “Muhammadans in any constituency” the words “members of the scheduled castes in any general constituency” shall be substituted.

Amendment of section 20.

5. In section 20 of the said Act—

(a) in sub-section (1)—

(i) for the words “a general constituency” the words “a general, Muhammadan or of an Anglo-Indian constituency” shall be substituted,

The Calcutta Municipal (Amendment) Bill, 1939.

(Clause 6.)

(ii) for the words "election is held" wherever they occur the words "electoral roll is published" shall be substituted, and

(iii) for the words "preceding the election" in the two places where they occur the words "preceding the publication of the electoral roll" shall be substituted, and

(b) after sub-section (2) the following sub-sections shall be added, namely:—

"(3) Chamber members of the Bengal Chamber of Commerce, members of the Calcutta Trades Association, and Commissioners for the Port of Calcutta shall be qualified respectively as electors for the constituency comprising the Chamber or Association or Trust of which they are such members.

Explanation.—(a) 'Chamber member' includes any person entitled to exercise the rights and privileges of Chamber membership on behalf of any firm, company or other corporate body registered as such member.

(b) 'Member' includes—

(i) in the case of a firm, any one partner in the firm or, if no such partner is present in Calcutta at the date fixed for the election, any one person empowered to sign for such firm, and

(ii) in the case of a company or other corporate body, any one manager, director, or secretary of the company or corporate body.

(4) A person shall be qualified as an elector of a labour constituency specified in Schedule III if he is a member of a trade union registered under the Indian Trade Unions Act, 1926, which has its registered office within the limits of Calcutta and which is recognised in accordance with the provisions of paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936: XVI of 1926.

Provided that such person—

(i) has resided within the limits of Calcutta for a period of at least six months in the aggregate during the year last preceding the year in which the electoral roll is published; and

(ii) has been actually engaged or employed within the limits of Calcutta in an industry with which the trade union is connected; and

(iii) is not in arrear with his subscription to the trade union."

Substitution of new section for section 23.

6. For section 23 of the said Act the following section shall be substituted, namely:—

"23. No person shall be eligible for election as a Councillor to represent, as provided in Schedule III,—

Qualification for election as Councillor.

(a) a general constituency unless his name is duly registered on the electoral roll of that or any other general constituency and unless in the case of a seat reserved for a member of any of the scheduled castes he himself is a member of any of those castes:

Provided that nothing in this clause shall prevent a member of any of the scheduled castes for which a seat is reserved from being eligible for election to a seat not so reserved;

The Calcutta Municipal (Amendment) Bill, 1939.

(Clause 7-9.)

- (b) a Muhammadan constituency unless his name is duly registered on the electoral roll of that or any other Muhammadan constituency,
- (c) an Anglo-Indian constituency unless his name is duly registered on the electoral roll of the constituency,
- (d) a labour constituency unless his name is registered on the electoral roll of the constituency,
- (e) a special constituency unless his name is registered on the electoral roll of the constituency."

Amendment of section 24.

7. In section 24 of the said Act—

(1) to sub-section (2) the following shall be added, namely—

"and notwithstanding anything contained elsewhere in this Act the electoral roll on which such representative shall be entitled to be registered shall be the electoral roll of the Muhammadan, Anglo-Indian or general constituency, as the case may be, for the electoral area in respect of which such company or other association is entitled to be an elector, according as such representative is a Muhammadan, an Anglo-Indian or is a person other than a Muhammadan or Anglo-Indian, as the case may be", and

(2) sub-section (4) and the *Explanation* thereto shall be omitted.

Substitution of new section for section 28.

8. For section 28 of the said Act the following section shall be substituted, namely:—

"28. (1) In any general constituency in which one or more seats are reserved for members of the scheduled castes, the following candidates, provided they are duly nominated and have not withdrawn their candidature, shall be declared to be duly elected, that is to say:—

- (a) if the number of candidates who are members of the scheduled castes is not greater than the number of Councillors to be elected from members of those castes - all such candidates ;
- (b) if the number of candidates who are members of the scheduled castes is not less than the number of Councillors to be elected from members of those castes and the total number of candidates does not exceed the number of Councillors to be elected for the constituency—all such candidates :

Provided that if in any case referred to in clause (a) the number of candidates other than candidates who are members of the scheduled castes, does not exceed the number of vacant seats not reserved for members of those castes, all such candidates shall be declared to be duly elected.

(2) In any constituency not referred to in sub-section (1), if the number of candidates who are duly nominated and have not withdrawn their candidature, is not more than the number of Councillors to be elected for that constituency, all such candidates shall be declared to be duly elected."

Amendment of section 44.

9. For section 44 of the said Act, the following section shall be substituted, namely:—

"44. If any difficulty arises as to the preparation or publication of the first electoral rolls or the holding of the first elections after the commencement of the Calcutta Municipal (Amendment) Act, 1939, the Provincial Government may by order authorize any matter or thing to be done which appears to them

Power of Provincial Government in respect of first election.

The Calcutta Municipal (Amendment) Bill, 1939.

(Clauses 10-11.)

necessary for the proper preparation or publication of the rolls, for the proper holding of the elections and for any matters incidental or ancillary thereto."

Amendment of section 483.

10. Sub-sections (2) and (3) of section 483 of the said Act shall be omitted.

Substitution of new Schedule for Schedule III.

11. For Schedule III to the said Act the following Schedule shall be substituted, namely:—

"SCHEDULE III.

List of constituencies.

(See sections 8, 20 and 23.)

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.	Number of seats included in column 3 reserved for members of the scheduled castes.
1	2	3	4

A.—General Constituencies.

Shampukur ..	Ward No. 1 ..	Two ..	One.
Kumartuli ..	Ward No. 2 ..	One.	
Bartola ..	Ward No. 3 ..	Two ..	One.
Sukeas Street ..	Ward No. 4 ..	Two ..	One.
Jorabagan ..	Ward No. 5 ..	Two.	
Jorasanko ..	Ward No. 6 ..	Two.	
Bara Bazar ..	Ward No. 7 ..	Three.	
Colootola ..	Ward No. 8 ..	Two ..	One.
Muchipara ..	Ward No. 9 ..	Two ..	One.
Bow Bazar ..	Ward No. 10 ..	One.	
Puddapukur ..	Ward No. 11 ..	One.	
Waterloo Street ..	Ward No. 12 ..	One.	
Fenwick Bazar ..	Ward No. 13 ..	One.	
Taltola ..	Ward No. 14 ..	One.	
Kalinga ..	Ward No. 15 ..	One.	
Park Street ..	Ward No. 16 ..	One.	
Bamun Bustee ..	Ward No. 17 ..	One.	
Tangra ..	Ward No. 18 ..	One.	
Entally ..	Ward No. 19 ..	One.	
Beniapukur ..	Ward No. 20 ..	One.	
Ballygunge ..	Ward No. 21 ..	One.	
Bhowanipur ..	Ward No. 22 ..	Two.	
Kalighat ..	Ward No. 23 ..	One.	
Alipur ..	Ward No. 24 ..	One.	
Ekbalpur ..	Ward No. 25 ..	One.	
Watganj and Hastings.	Ward No. 26 ..	One.	
Tollyganj ..	Ward No. 27 ..	One.	
Beliaghatta ..	Ward No. 28 ..	Two ..	One.
Manicktala ..	Ward No. 29 ..	One.	
Belgachia ..	Ward No. 30 ..	Two.	
Satpukur ..	Ward No. 31 ..	Two.	
Cossipur ..	Ward No. 32 ..	Two ..	One.

The Calcutta Municipal (Amendment) Bill, 1939.

(Clause 11.)

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.
1	2	3

B.—Muhammadan Constituencies.

Shampukur ..	Ward No. 1	} .. One.
Kumartuli ..	Ward No. 2	
Bartola ..	Ward No. 3	
Jorabagan ..	Ward No. 5	
Sukeas Street ..	Ward No. 4	} .. One.
Jorasanko ..	Ward No. 6	
Bara Bazar ..	Ward No. 7	
Colootola ..	Ward No. 8	Two.
Muchipara ..	Ward No. 9	Two.
Bow Bazar ..	Ward No. 10	} .. One.
Puddapukur ..	Ward No. 11	
Waterloo Street ..	Ward No. 12	} .. One.
Fenwick Bazar ..	Ward No. 13	
Taltola ..	Ward No. 14	One.
Kalinga ..	Ward No. 15	} .. One.
Park Street ..	Ward No. 16	
Bamun Bustee ..	Ward No. 17	
Tangra ..	Ward No. 18	} .. One.
Entally ..	Ward No. 19	
Beniapukur ..	Ward No. 20	Three.
Ballyganj ..	Ward No. 21	One.
Bhowanipur ..	Ward No. 22	} .. One.
Kalighat ..	Ward No. 23	
Alipur ..	Ward No. 24	
Tollyganj ..	Ward No. 27	
Ekbalpur ..	Ward No. 25	One.
Watganj and Hastings	Ward No. 26	One.
Beliaghata ..	Ward No. 28	} .. Two.
Maniktala ..	Ward No. 29	
Belgachia ..	Ward No. 30	} .. One.
Satpukur ..	Ward No. 31	
Cossipur ..	Ward No. 32	One.

C.—Anglo-Indian Constituency.

Anglo-Indian ..	Calcutta ..	Two.
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The Calcutta Municipal (Amendment) Bill, 1939.

(Clause 12.)

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.
1	2	3

D.—Special Constituencies.

Bengal Chamber of Commerce.	Non-territorial ..	Six.
Calcutta Trades Association.	Non-territorial ..	Four.
Calcutta Port Commissioners.	Non-territorial ..	Two.

E—Labour Constituency.

Labour ..	Trade Unions referred to in subsection (4) of section 20.	Two."
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Amendment of Schedule VII.

12. In Schedule VII to the said Act in column 1 for serial number "22A" the serial number "23" shall be substituted and serial numbers "23, 24 and 25" in the said column shall be renumbered as serial numbers "24, 25 and 26" respectively.

STATEMENT OF OBJECTS AND REASONS.

At the fourth general election held under the Calcutta Municipal Act, 1923, the provisions of the Third Schedule to the Act came into operation, whereby, in the territorial constituencies of the Calcutta Corporation, for the previously existing separate electorates for Muslims there was substituted the present system of joint electorates with reservation of seats for Muslims. Since this change was effected Muslim public opinion has emphatically expressed the view that Muslim Councillors returned by joint electorates have very largely represented the wishes of the majority community and have not been truly representative of Muslim interests. On the analogy of the electoral provisions of the Government of India Act, 1935, it is felt that separate electorates for Muslims should be restored in constituencies of the Calcutta Corporation, and there has been, both within and without the Legislature, an insistent demand for such a restoration. The Bill contains provisions to meet this demand.

In order to safeguard the interests of other important minority communities provision has also been made in the Bill for the reservation, in the general territorial constituencies, of seats for the scheduled castes in proportion to their population strength, and for representation of the Anglo-Indian Community by the election of Councillors through a separate Anglo-Indian electorate.

It is further considered that the claim of labour for adequate representation on the Corporation can no longer be ignored, and on the analogy of the Government of India Act, 1935, provision has accordingly been made in the Bill for the constitution of a separate labour electorate, which will return elected representatives to the Corporation.

The opportunity has been taken to include certain other desirable or consequential amendments of the Act.

CALCUTTA ;
The 27th January 1939.

K. HABIBULLAH,
Member-in-charge.

By order of the Governor,
E. B. H. BAKER,
Secy. to the Govt. of Bengal.