



## The Bengal (Aliens) Disqualification Act, 1918

Act 3 of 1918

**Keyword(s):**

**Disqualification, Voting, Election, Standing for Election, Holding Office, Local Body**

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## Bengal Act III of 1918

### [The Bengal (Aliens) Disqualification Act, 1918.]<sup>1</sup>

REPEALED IN PART	...	Act XXXVIII of 1920.
AMENDED	...	West Ben. Act II of 1951.
ADAPTED	...	(a) The Government of India (Adaptation of Indian Laws) Order, 1937.
		(b) The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.
		(c) The Adaptation of Laws Order, 1950.

(20th March, 1918.)

*An Act to disqualify certain persons from voting at elections of, or being elected or appointed as members of, or holding office in, local bodies in Bengal.*

Whereas it is expedient to disqualify certain persons from voting at elections of, or being elected or appointed as Commissioners of the Corporation of Calcutta or of any other Municipality in Bengal, or as members of District or Local Boards or of Union Committees therein, and also to disqualify from holding office in any such body ;

Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Bengal (Aliens) Disqualification Act, 1918.

Short title,  
commence-  
ment and  
local extent.

(2) It shall come into force on such dates<sup>2</sup> as the <sup>3</sup>[State Government] may direct by notification in the <sup>4</sup>[*Official Gazette*].

(3) It extends to the whole of <sup>5</sup>[West Bengal].

<sup>1</sup>For Statement of Objects and Reasons, see the *Calcutta Gazette*, of 1918, Pt. IV, page 2 ; and for Proceedings in Council, see *ibid.*, Pt. IVA, pages 196 and 197, and 289-291.

<sup>2</sup>The 1st April, 1918, see notification No. 827M., dated the 21st March, 1918, published in the *Calcutta Gazette* of 1918, Pt. IB, page 217.

<sup>3</sup>The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

<sup>4</sup>These words were substituted for the words "*Calcutta Gazette*" by para. 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>5</sup>These words were substituted for the word "Bengal" by paragraph (2) of Article 3 of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

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(Sections 2, 3.)

2. [Definition].—Omitted by para. 3 and Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

Persons disqualified from voting at elections of, or being members of, or holding office in, local bodies.

3. Notwithstanding anything contained in the Calcutta Municipal Act, 1899<sup>1</sup>, the Bengal Municipal Act, 1884<sup>2</sup>, and the Bengal Local Self-Government Act of 1885, or in any rule or by-law made under any of the said Acts, no person who is not a <sup>3</sup>[citizen of India] shall be qualified to vote at the election of, or to be a candidate for election as a Commissioner of the Corporation of Calcutta or of any other Municipality in <sup>4</sup>[West Bengal], or as a member of any District or Local Board or Union Committee therein or to hold the office of Chairman, Deputy Chairman or Vice-Chairman of any such body under the Calcutta Municipal Act, 1899<sup>1</sup>, the Bengal Municipal Act, 1884<sup>2</sup>, or the Bengal Local Self-Government Act of 1885, nor shall such person be appointed to be a Commissioner or a member or to hold any such office under any of the said Acts ; and

Ben. Act III of 1899.  
Ben. Act III of 1884.  
Ben. Act III of 1885.

if, on the date when this Act comes into force, any such person is holding any such office or is a Commissioner of the Corporation of Calcutta or of any other Municipality in <sup>4</sup>[West Bengal] or a member of any District or Local Board or Union Committee therein under any of the said Acts, he shall notwithstanding anything contained in those Acts, be deemed to have vacated his office or seat from such date, and such vacancy shall be filled up in the same manner as if it were caused by resignation duly accepted :

Provided that the <sup>5</sup>[State Government] may, <sup>6</sup>\* \* \* by notification in the <sup>7</sup>[Official Gazette], exempt from the provisions of this section, with effect from the commencement of this Act or from such date as may be specified in the notification, any person or class of persons who are not <sup>3</sup>[citizens of India].

<sup>1</sup>The Calcutta Municipal Act, 1899, was repealed and re-enacted by the Calcutta Municipal Act, 1923 (Ben. Act III of 1923), which Act was again repealed and re-enacted by the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951).

<sup>2</sup>The Bengal Municipal Act, 1884 (Ben. Act III of 1884) was repealed and re-enacted by the Bengal Municipal Act, 1932 (Ben. Act XV of 1932).

<sup>3</sup>The words "citizen of India" and "citizens of India" were substituted for the words "British subject or a subject of an Acceding State" and "British subjects or subjects of an Acceding State" by s. 2(a) and s. 2(b), respectively, of the Bengal (Aliens) Disqualification (West Bengal Amendment) Act, 1951 (West Ben. Act II of 1951). The words "an Acceding State" were originally substituted for the words "any State in India" by paragraph (1) of, and the Schedule to, the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

<sup>4</sup>See foot-note 5 on page 519, ante.

<sup>5</sup>See foot-note 3 on page 519, ante.

<sup>6</sup>The words "with the approval of the Governor General in Council" were omitted by the Devolution Act, 1920 (XXXVIII of 1920).

<sup>7</sup>See foot-note 4 on page 519, ante.