

Government of West Bengal
Department of Panchayats & Rural Development
Jessop Building (1st Floor), 63, N.S. Road Kolkata-700 001

Memo No.5253/ PN/O/1/1E-6/12

Dated: 08.10.2012

From: D.K.Pal
Joint Secretary to the
Government of West Bengal

To: The Secretary,
West Bengal State Election Commission
18, Sarojini Naidu Sarani, Kolkata-700017

Sub: Clarification relating to certain provisions of the West Bengal Panchayat Elections Rules, 2006

Ref: No.1651-SEC/1D-123/2011 dated 24.09.2012 & No.1672-SEC/1D-123/2011, dated 08.10.2012

Sir,


With reference to the above, I am directed by order of the Governor to clarify the issues raised in your letter as under:

Issue raised	Clarification
1. If any seat is already reserved for ST, and if that very seat also becomes eligible for reservation for SC or BC, as the case may be, and if there is sufficient number of seats in the zone of consideration for SC or BC, then how will the required number of seats for SC or BC be reserved?	1. Attention is drawn to the rule 2 (d) of rule 22, 24 and 26 of the said Rules. It is stated therein that in such a situation, reservation for the left out SC or BC seats or both, as the case may be, shall be made out of the seats coming next in order. It means that to reserve the required number of seats for SC or BC, all the seats coming into the zone of consideration shall be taken into account. If, barring the seat(s) already reserved for ST, the required number of seats cannot be reserved for SC or BC as the case may be, in accordance with the roster for the first term of election, then the remaining number of seats shall be reserved from the left out seats following the sequential order in which roster for any term of election is made. In case the required number of

	<p>seats is not available in the zone of consideration following the sequential order, then the remaining number of seats shall be reserved from the roster specified for the second term of election.</p> <p>Illustration: For determination of SC seats in a particular GP, if there are 9 seats or constituencies in the zone of consideration and they are arranged in descending order following sub-rule 2 (a) of rule 22 and 4 seats are to be reserved amongst them for SC.</p> <p>i) Sl. no. of seats as arranged in descending order coming into the zone of consideration are 1,2,3,4,5,6,7,8,9</p> <p>ii) Sl. no. of seats to be reserved as per roster for first term are 1,3,5,7</p> <p>iii) But if seat having sl. no.3 is already reserved for ST, then seat no.3 shall not be reserved for SC and the fourth seat shall be reserved from amongst the next seats coming in the next sequential order in the roster as follows: 1,5,7,9</p>
<p>2. If after reserving one-half of the seats from SC, ST, and BC for women, the required number of seats are not available in the roster specified for the first term of election for reserving the remaining number of seats i.e., to match one-half of the total seats for women, then what procedure will be followed?</p>	<p>2. This issue has been very clearly explained under rule 3 (d) of rule 22, 24 and 26. Accordingly, in case the number of seats required to be reserved for women from amongst the seats not reserved under sub-section (1), (2) and (2A) of section 17 to match the one-half of the total number of seats, are not attained in accordance with the roster for the first term of election, then the required number of seats shall be reserved from the roster specified for the second term of election.</p> <p>Illustration:</p> <p>i) Say, in a Gram Panchayat, the no. of members to be elected is 18.</p> <p>ii) Say seats are to be reserved for SC/ST/BC is 9.</p> <p>iii) Not exceeding one-half of the total members are to be reserved for women including that of SC, ST and BC. Thus, total no. of seats to be reserved for women is 09.</p> <p>iv) No. of seats to be reserved for women from</p>

	<p>amongst SC, ST, and BC in accordance with roster following the explanation as laid down in clause (f) of sub-rule (1) of rule 22 is 04 .</p> <p>v) No. of seats to be reserved for women from amongst the seats not reserved for SC,ST and BC following the provisions laid down under rule 3 (b) of rule 22 is 9-4=5</p> <p>vi) As only 4 out of 5 no. of seats to be reserved for women are available for reservation in accordance with the roster under the said situation, the 5th seat shall be reserved from the roster specified for the second term in terms of provisions laid down under rule 3(d) of rule 22.</p>
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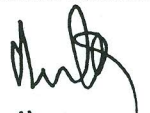
Yours faithfully,


(D.K.Pal) 07/10/12

Memo No.5253/(18)/ PN/O/1/1E-6/12Part-1

Dated: 08 .10.2012

Copy forwarded for kind information to the District Magistrate.....(All)


(D.K.Pal) 07/10/12