


The
Kolkata Gazette



सत्यमेव जयते

Extraordinary
Published by Authority

ASVINA 2]

MONDAY, SEPTEMBER 24, 2012

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Department of Panchayats & Rural Development
Panchayat Wing, Jessop Building,
63, Netaji Subhas Road, Kolkata – 700 001

NOTIFICATION

No. 5013/PN/O/3R-1/2012 dated 24.09.2012.— Whereas the following draft of amendments to amend the West Bengal *Panchayat* Elections Rules, 2006 (hereinafter referred to as the said rules) was published as required under sub-section (1) read with sub-section (2) of section 135 of the West Bengal *Panchayat* Elections Act, 2003 (West Ben. Act XXI of 2003) (hereinafter referred to as the said Act) vide Notification No. 4713/PN/O/I/3R-1/2012 dated 05.09.2012, in the *Kolkata Gazette, Extraordinary* dated, 5th September, 2012, inviting objections or suggestions from all persons likely to be affected thereby, within fifteen days from the date of its publication;

AND WHEREAS, the objections and suggestions received in this regard have been duly considered by the State Government;

NOW, THEREFORE, in exercise of the power conferred by sub-section (1) read with sub-section (2) of section 135 of the said Act, the Governor has been pleased hereby to make the following amendments in the said rules:—

Amendments

In the said rules,—

(1) for rule 22, substitute the following rule:—

“22. Delimitation of constituencies of a *Gram Panchayat* and allocation of seats, assignment of serial numbers for the constituencies and the seats and reservation of seats.— (1) Subject to any general or special direction issued by the Commission in this behalf, the prescribed authority, by an order, shall,—

- (a) divide, in recognisable units like *paras*, localities, neighbourhoods, *bustees* or colonies, the area of a *Gram* into constituencies, each with contiguous area, on the basis of the number of members determined under section 12,

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- (b) assign consecutive serial number to all such constituencies of a *Gram* following the sequence of the numbers assigned to the Legislative Assembly polling stations comprising such constituencies,
 - (c) allocate to each constituency such number of seats, not exceeding two, as may conform to the number determined under section 12,
 - (d) assign consecutive serial numbers to all such seats following the same sequence of the numbers assigned to the constituencies;
 - (e) without prejudice to other provisions under this clause, determine such number of seats to be reserved, by rotation, as may be required in terms of sub-section (1) or (2) or (2A) of section 17 for the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons, as the case may be, from amongst the seats allocated to the constituencies, each constituency having such Scheduled Castes or Scheduled Tribes or Backward Classes population as bears with the total population in that constituency not less than one-half of the proportion determined under sub-section (1) or (2) or (2A) of section 17 as the case may be:

Provided that for the purpose of determination of seats to be reserved for the aforesaid three categories of persons, the provisions under sub-section (2B) of the aforesaid section shall be taken into consideration:

Provided further that while determining the ceiling limit of fifty per cent of the total number of seats, only the whole integers shall be taken into consideration, ignoring any figure after the decimal point:

Provided also that when the number of seats determined for the Scheduled Castes and the Scheduled Tribes in terms of the prescribed manner reaches one-half of the total number of seats in *Gram Panchayat*, there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved seats for the Scheduled Castes and the Scheduled Tribes persons, taken together, exceeds fifty per cent of the total number of seats, the number of seats for each category shall be reduced in the proportion of the population of the Scheduled Castes and the Scheduled Tribes to the total population in that *Gram* in order to match the figure of one-half of the total number of seats in that *Gram Panchayat*, in which case also there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved seats for the Scheduled Castes person and the Scheduled Tribes and the Backward Classes persons in terms of the provisions of this clause exceeds one-half of the total number of seats in that *Gram Panchayat*, the number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall remain unaltered and the number of seats determined for the Backward Classes persons shall be suitably reduced to match the figure of one-half of the total number of seats:

Provided also that when the number of reserved seats determined for the Scheduled Castes and the Scheduled Tribes persons is less than one-half of the total number of seats in that *Gram Panchayat*, the available balance number of seats shall be reserved for the Backward Classes persons in conformity with the per centage of their population to the total population in that *Gram* within the limit of one-half of the total number of seats in that *Gram Panchayat*:

Explanation I: For the purpose of determination of number of seats to be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes under clause (e), all figures for calculation shall be taken upto the second place of decimal ignoring any digit after the second place of decimal altogether.

Explanation II: For the final stage of calculation for arriving at the number of seats to be reserved, the digit in the second place of decimal, if any shall be totally ignored, and the whole number in the figure obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

Provided also that the number of the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons or the total population of a *Gram* or the proportion of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population as aforesaid shall be determined on the basis of the last preceding census of which the relevant figures have been published:

Provided also that when census figures are not available for any *Gram* or constituency or for any portion of any constituency, the prescribed authority shall, subject to such order of the Commission as may be made in this behalf, determine the proportion which the Scheduled Castes or the Scheduled Tribes or the Backward Classes population bears with the total population on the basis of any other authenticated record maintained by any office or organization of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by him for the purpose after consulting, whenever necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record of any other department of the State Government that may be of assistance;

Explanation.— An authenticated record maintained by any department shall be a record authenticated by the senior-most officer of the department posted in any office or organisation under the department located in the district.

- (f) determine the number of women members to be elected so as to constitute,—
- (i) as nearly as practicable one-half but not exceeding one-half of the total number of the Scheduled Castes, the Scheduled Tribes and the Backward Classes members taken up collectively as determined under clause (e),
 - (ii) as nearly as practicable one-half but not exceeding one-half of the total number of members to be elected to the *Gram Panchayat* including the number determined under sub-clause (i).

Explanation.— For the purpose of determination of number of seats to be reserved under clause (f), while calculating one-half of a figure, only the whole integers shall be taken into account, ignoring any figure after the decimal point.

- (2) (a) After the *per centage* of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population in the total population is determined and the seats or the constituencies eligible for reservation are identified, three separate lists, one for the Scheduled Castes, another one for the Scheduled Tribes and one more for the Backward Classes shall be prepared in the descending order of the *per centage* of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population, seat or constituency having the highest *per centage* coming at the top of each such list.
- (b) For the first term of election among two consecutive terms, the lists referred to in Clause (a) shall be taken up separately in the same order as shown in clause (a) and such number of seats as may be determined under clause (e) of sub-rule (1) shall be reserved for the Scheduled Castes or the Scheduled Tribes or the Backward classes in accordance with the roster as specified in the First Schedule. For the purpose of reservation of constituencies/seats in accordance with such roster, all the constituencies/seats occurring in the list shall be assigned an additional set of continuous serial numbers in ascending order so that reservation may be made to match such serial number with the identical number in the roster:

Provided that if, on any occasion, the total number of seats required to be reserved for the first term of election are not attained in accordance with the roster for the first term of election, the remaining number of seats shall be reserved from the roster specified for the second term of election.

- (c) For the second term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule:

Provided that if for the second term of election, the total number of seats to be reserved are not attained in accordance with the roster for the second term of election after leaving aside the seats already reserved in the preceding term of election, if any, the remaining number of seats shall be reserved from the roster specified for the first term of election.

- (d) If following the principle of rotation, any seat is selected in any term of election simultaneously for reservation for the Scheduled Tribes, the Scheduled Castes and the Backward Classes persons or any two of such categories, such seat shall be reserved in the preferential order of the Scheduled Tribes, the Scheduled Castes and the Backward Classes and reservation for the left out Scheduled Castes or Backward Classes or both as the case may be, shall be made out of the seats coming next in order:

Provided that the seat or constituency so reserved for the Scheduled Tribes or the Scheduled Castes persons on the aforesaid ground shall be eligible for consideration for reservation for the Scheduled Castes or the Backward Classes persons, as the case may be, in the next term of election.

- (e) The prescribed authority, by an order in writing, shall record the procedure adopted, the records and documents relied upon and the findings made for the purpose of determination of the seats to be reserved by rotation for the Scheduled Castes or the Scheduled Tribes or the Backward Classes.

- (3) Identification and declaration of seats to be reserved for women under sub-section (3) and (4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows:—

- (a) as nearly as practicable one-half but not exceeding one-half seats from amongst the seats reserved for the Scheduled Castes the Scheduled Tribes and the Backward Classes taken up collectively shall be declared reserved for women belonging to the same category as already determined;
- (b) the number of seats declared under clause (a) shall be set apart from the number determined under sub clause (ii) of clause (f) of sub-rule (1) and the seats matching the resultant number shall be identified and declared for reservation for women from among the seats not reserved under sub-section (1), (2) and (2A) of section 17;
- (c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats coming within the zone of consideration for reservation shall be arranged in the ascending order of their assigned serial numbers and an additional set of continuous serial numbers in ascending order shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster,
- (d) 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 any term of election, the procedure stated under provisos to clause (b) and (c) of sub-rule (2) shall be followed.
- (e) in case the number of seats determined under sub-section (3) and (4) of section 17 is one only, that seat shall be reserved for women for the first term of election and there shall be no reservation for the second term of election.”;

- (2) For rule 24, *substitute the following rule* :—

“24. Delimitation of constituencies of Panchayat Samiti and assignment of serial numbers for the constituencies and reservation of seats.— (1) In conformity with the provisions contained in section 14 and also subject to such general or special direction as may be issued by the Commission in this behalf, the prescribed authority, by an order, shall,—

- (a) determine the number of members to be elected to a *Panchayat Samiti* from each *Gram* comprising the area of the *Panchayat Samiti*,

- (b) divide a *Gram* into as many constituencies as may match the number of members, determined under clause (a), to be elected to the *Panchayat Samiti* from the *Gram* and each such constituency shall have as far as practicable, equal number of voters and shall comprise as many contiguous *Gram Panchayat* constituencies as may be specified in the order,
- (c) assign consecutive serial numbers to all such constituencies following, as far as practicable, the sequence of the numbers assigned to the *Gram Panchayat* constituencies and, where necessary, the sequence of the numbers assigned to the Legislative Assembly polling stations comprising the area of such *Panchayat Samiti*,
- (d) without prejudice to other provisions under this clause, determine the number of constituencies to be reserved, by rotation, as may be required in terms of sub-section (1) or (2) or (2A) of section 17 for the Scheduled Castes, the Scheduled Tribes and the Backward Classes persons, as the case may be, from among such constituencies, each of which having such Scheduled Castes or Scheduled Tribes or Backward Classes population, as the case may be, as bears with the total population in that constituency not less than one-half of the proportion determined under sub-section (1) or (2) or (2A) of section 17 as the case may be:

Provided that for the purpose of determination of seats to be reserved for the aforesaid three categories of persons, the provisions under sub-section (2B) of the aforesaid section shall be taken into consideration:

Provided further that while determining the ceiling limit of fifty per cent of the total number of seats, only the whole integers shall be taken into consideration, ignoring any figure after the decimal point:

Provided also that when the number of seats determined for the Scheduled Castes and the Scheduled Tribes in terms of the prescribed manner reaches one-half of the total number of seats in a *Panchayat Samiti*, there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved seats for the Scheduled Castes and the Scheduled Tribes persons, taken together, exceeds fifty per cent of the total number of seats, the number of seats for each category shall be reduced in the proportion of the population of the Scheduled Castes and the Scheduled Tribes to the total population in that *Panchayat Samiti* in order to match the figure of one-half of the total number of seats in that *Panchayat Samiti*, in which case also there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved seats for the Scheduled Castes, the Scheduled Tribes and the Backward Classes persons in terms of the provisions of this clause exceeds one-half of the total number of seats in that *Panchayat Samiti*, the number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall remain unaltered and the number of seats determined for the Backward Classes persons shall be suitably reduced to match the figure of one-half of the total number of seats:

Provided also that when the number of reserved seats determined for the Scheduled Castes and the Scheduled Tribes persons is less than one-half of the total number of seats in that *Panchayat Samiti*, the available balance number of seats shall be reserved for the Backward Classes persons in conformity with the per centage of their population to the total population in that Block within the limit of one-half of the total number of seats in that *Panchayat Samiti*:

Explanation I: For the purpose of determination of number of seats to be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes under clause (d), all figures for calculation shall be taken up to the second place of decimal ignoring any digit after the second place of decimal altogether.

Explanation II: For the final stage of calculation for arriving at the number of seats to be reserved, the digit in the second place of decimal, if any shall be totally ignored, and the whole number in the figure obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

Provided also that the number of the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons or the total population of a *Panchayat Samiti* or the proportion of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population as aforesaid shall be determined on the basis of the last preceding census of which the relevant figures have been published:

Provided also that when census figures are not available for any area of a *Panchayat Samiti* or a constituency or any portion of a constituency, the prescribed authority shall, subject to such order of the Commission as may be made in this behalf, determine the proportion which the Scheduled Castes or the Scheduled Tribes or the Backward Classes population bears with the total population on the basis of any other authenticated record maintained by any office or organisation of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by him for the purpose as aforesaid after consulting, whenever necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record that may be of assistance.

Explanation.—An authenticated record maintained by any department shall be a record authenticated by the senior most officer of the department posted in any office or organisation under the department located in the district.

- (e) determine the number of women members to be elected so as to constitute,—
- (i) as nearly as practicable one half but not exceeding one-half of the total number of the Scheduled Castes, the Scheduled Tribes and the Backward Classes members taken up collectively as determined under clause (d),
 - (ii) as nearly as practicable one half but not exceeding one-half of the total number of members to be elected to the *Panchayat Samiti* including the number determined under sub-clause (i).

Explanation — For the purpose of determination of number of seats to be reserved under clause (e), while calculating one-half of a figure, only the whole integers shall be taken into account, ignoring any figure after the decimal point.

- (2) (a) After the *per centage* of the Scheduled Castes or the Scheduled Tribes or the Backward classes population in the total population is determined and the seats or constituencies eligible for reservation are identified, three separate lists, one for the Scheduled Castes, another one for the Scheduled Tribes and one more for the Backward classes shall be prepared in the descending order of the *per centage* of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population, constituency having the highest *per centage* coming at the top of the list;
- (b) for the first term of election among two consecutive terms, the lists referred to in clause (a) shall be taken up separately in the same order as shown in clause (a) and such number of constituencies as may be determined under clause (d) of sub-rule (1), shall be reserved for the Scheduled Castes or the Scheduled Tribes or the Backward Classes in accordance with the roster as specified in the First Schedule. For the purpose of reservation of constituencies in accordance with such roster, all the constituencies occurring in the list shall be assigned an additional set of continuous serial numbers in ascending order so that reservation may be made to match such serial number with the identical serial number in the roster:

Provided that if, on any occasion, the total number of seats required to be reserved for the first term of election are not attained in accordance with the roster for the first term of election, the remaining number of seats shall be reserved from the roster specified for the second term of election.

- (c) for the second term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule :

Provided that if for the second term of election, the total number of seats to be reserved are not attained in accordance with the roster for the second term of election after leaving aside the seats already reserved in the preceding term of election if any, the remaining number of seats shall be reserved from the roster specified for the first term of election;

- (d) If following the principle of rotation, any seat is selected in any term of election simultaneously for reservation for the Scheduled Tribes, the Scheduled Castes and the Backward Classes persons or any two of such categories, such seat shall be reserved in the preferential order of the Scheduled Tribes, the Scheduled Castes and the Backward Classes and reservation for the left out Scheduled Castes or Backward Classes or both as the case may be, shall be made out of the seats coming next in order:

Provided that the seat or constituency so reserved for the Scheduled Tribes or the Scheduled Castes persons on the aforesaid ground shall be eligible for consideration for reservation for the Scheduled Castes or the Backward Classes persons, as the case may be, in the next term of election.

- (e) The prescribed authority, by an order in writing, shall record the procedure adopted, the records and documents relied upon and the findings made for the purpose of determination of the seats to be reserved by rotation for the Scheduled Castes or the Scheduled Tribes or the Backward Classes.
- (3) Identification and declaration of constituencies to be reserved for women under sub-section (3) and (4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows,—
- (a) as nearly as practicable one-half but not exceeding one-half constituencies from amongst the constituencies reserved for the Scheduled Castes ,the Scheduled Tribes and the Backward Classes taken up collectively shall be declared reserved for women belonging to the same category as already determined,
- (b) the number of constituencies declared under clause (a) shall be set apart from the total number of constituencies to be reserved for women under sub-clause (ii) of clause (e) of sub-rule (1) and the constituencies matching the resultant number shall be identified and declared for reservation for women from among the constituencies not reserved under sub-rule (2),
- (c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats available for reservation shall be arranged in the ascending order of their assigned serial numbers and an additional set of continuous serial numbers in ascending order shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster,
- (d) 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 any term of election, the procedure stated under provisos to clause (b) and (c) of sub-rule (2) shall be followed.
- (e) in case the number of constituency determined under sub-section (3) and (4) of section 17 is one only, that constituency shall be reserved for women for the first term of election and there shall be no reservation for the second term of election”:

(3) In sub-rule (1) of rule 25, for the word and figure “rule 26”, substitute the word and figure, “rule 24”.

(4) For rule 26, substitute the following rule:—

“26. Delimitation of constituencies of Zilla Parishad or Mahakuma Parishad, assignment of serial numbers for the constituencies and reservations thereof and manner of publication of order.— (1) The Commission shall, by order,—

- (a) in conformity with the provisions in section 15, determine the number of members to be elected to a *Zilla Parishad* or *Mahakuma Parishad* from each Block comprising the area of the *Zilla Parishad* or *Mahakuma Parishad* as the case may be,
- (b) divide a Block into as many constituencies as may match the number of members, determined under clause (a), to be elected to a *Zilla Parishad* from the Block and each such constituency shall have as far as practicable equal number of voters and shall comprise as many contiguous *Grams* as may be specified in the order,
- (c) assign consecutive serial numbers to all such constituencies within the area of a *Zilla Parishad* or *Mahakuma Parishad*, as the case may be, following, as far as practicable, the sequence of the numbers assigned to the *Panchayat Samiti* constituencies and the numbers assigned to the Legislative Assembly polling stations comprising the area of such *Zilla Parishad* or *Mahakuma Parishad*, as the case may be,
- (d) without prejudice to other provisions under this clause, determine the number of constituencies to be reserved, by rotation, as may be required in terms of sub-section (1) or (2) or (2A) of section 17 for the Scheduled Castes, the Scheduled Tribes and the Backward Classes persons, as the case may be, from among such constituencies, each of which having such Scheduled Castes or Scheduled Tribes or Backward Classes population as bears with the total population in that constituency not less than one-half of the proportion determined under sub-section (1) or (2) or (2A) of section 17 as the case may be:

Provided that for the purpose of determination of seats to be reserved for the aforesaid three categories of persons, the provisions under sub-section (2B) of the aforesaid section shall be taken into consideration:

Provided further that while determining the ceiling limit of fifty per cent of the total number of seats, only the whole integers shall be taken into consideration, ignoring any figure after the decimal point:

Provided also that when the number of seats determined for the Scheduled Castes and the Scheduled Tribes in terms of the prescribed manner reaches one-half of the total number of seats in a *Zilla Parishad* or *Mahakuma Parishad*, there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved seats for the Scheduled Castes and the Scheduled Tribes persons, taken together, exceeds fifty per cent of the total number of seats, the number of seats for each category shall be reduced in the proportion of the population of the Scheduled Castes and the Scheduled Tribes to the total population in that *Zilla Parishad* or *Mahakuma Parishad* in order to match the figure of one-half of the total number of seats in that *Zilla Parishad* or *Mahakuma Parishad*, in which case also there shall be no reservation for the Backward Classes persons:

Provided also that when the total number of reserved seats for the Scheduled Castes, the Scheduled Tribes and the Backward Classes persons in terms of provision of this clause exceeds one-half of the total number of seats in that *Zilla Parishad* or *Mahakuma Parishad*, the number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall remain unaltered with and the number of seats determined for the Backward Classes persons shall be suitably reduced to match the figure of one-half of the total number of seats:

Provided also that when the number of reserved seats determined for the Scheduled Castes and the Scheduled Tribes persons is less than one-half of the total number of seats in that *Zilla Parishad* or *Mahakuma Parishad*, the available balance number of seats shall be reserved for the

Backward Classes persons in conformity with the per centage of their population to the total population in that District within the limit of one-half of the total number of seats in that *Zilla Parishad* or *Mahakuma Parishad*:

Explanation I: For the purpose of determination of number of seats to be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes under clause (d), all figures for calculation shall be taken up to the second place of decimal ignoring any digit after the second place of decimal altogether.

Explanation II: For the final stage of calculation for arriving at the number of seats to be reserved, the digit in the second place of decimal, if any, shall be totally ignored, and the whole number in the figure obtained shall be raised by one if the digit at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal.

Provided that the number of the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons or the total population of a *Zilla Parishad* or *Mahakuma Parishad* area, as the case may be, or the proportion of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population as aforesaid shall be determined on the basis of the last preceding census of which the relevant figures have been published:

Provided further that when census figures are not available for any area of a *Zilla Parishad* or *Mahakuma Parishad* or a constituency or any portion of any constituency, the Commissioner shall determine the proportion which the Scheduled Castes or the Scheduled Tribes or the Backward Classes population bears with the total population on the basis of any other authenticated record maintained by any office or organisation of any department of the State Government or, where no such record is available, on the basis of a local enquiry, which may include house to house enumeration, caused by him for the purpose as aforesaid after consulting, whenever necessary, any portion of the census report, electoral roll of the West Bengal Legislative Assembly or any other authenticated record that may be of assistance;

Explanation.— An authenticated record maintained by any department shall be a record authenticated by the senior most officer of the department posted in any office or organization under the department located in the district.

- (e) determine the number of women members to be elected so as to constitute,—
- (i) as nearly as practicable one-half but not exceeding one-half of the total number of the Scheduled Castes, the Scheduled Tribes and the Backward Classes members taken up collectively as determined under clause(d),
 - (ii) as nearly as practicable one-half but not exceeding one-half of the total number of members to be elected to the *Zilla Parishad* or *Mahakuma Parishad* including the number determined under sub-clause (i).

Explanation.— For the purpose of determination of number of seats to be reserved under clause (e), while calculating the one-half of the figure, only the whole integers shall be taken into account, ignoring any figure after the decimal point.

- (2) (a) After the *per centage* of the Scheduled Castes or the Scheduled Tribes or the Backward Classes population in the total population is determined and the seats or constituencies eligible for reservation are identified, three separate lists, one for the Scheduled Castes, another one for the Scheduled Tribes and one more for the Backward Classes shall be prepared in the descending order of the *per centage* of Scheduled Castes or the Scheduled Tribes or the Backward Classes population, constituency having the highest *per centage* coming at the top of the list;
- (b) for the first term of election among two consecutive terms, the lists referred to in clause (a) shall be taken up separately in the same order as shown in clause (a) and such number of constituencies as may be determined under clause (d) of sub-rule (1), shall be reserved for the Scheduled Castes or

the Scheduled Tribes or the Backward Classes in accordance with the roster as specified in the First Schedule. For the purpose of reservation of constituencies in accordance with such roster, all the constituencies occurring in the list shall be assigned an additional set of continuous serial numbers in ascending order so that reservation may be made to match such serial number with the identical serial number in the roster:

Provided that if, on any occasion, the total number of seats required to be reserved for the first term of election are not attained in accordance with the roster for the first term of election, the remaining number of seats shall be reserved from the roster specified for the second term of election.

- (c) for the second term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule for the second term of election:

Provided that if for the second term of election, the total number of seats to be reserved are not attained in accordance with the roster for the second term of election after leaving aside the seats already reserved in the preceding term of election, if any, the remaining number of seats shall be reserved from the roster specified for the first term of election ;

- (d) If following the principle of rotation, any seat is selected in any term of election simultaneously for reservation for the Scheduled Tribes, the Scheduled Castes and the Backward Classes persons or any two of such categories, such seat shall be reserved in the preferential order of the Scheduled Tribes, the Scheduled Castes and the Backward Classes and reservation for the left out Scheduled Castes or Backward Classes or both as the case may be, shall be made out of the seats coming next in order:

Provided that the seat or constituency so reserved for the Scheduled Tribes or the Scheduled Castes persons on the aforesaid ground shall be eligible for consideration for reservation for the Scheduled Castes or the Backward Classes persons, as the case may be, in the next term of election.

- (e) the Commission, by an order in writing, shall record the procedure adopted, the records and documents relied upon and the findings made for the purpose of determination of the seats reserved for the Scheduled Castes or the Scheduled Tribes or the Backward Classes.

- (3) Identification and declaration of constituencies to be reserved for women under subsection (3) and (4) of section 17 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows,—

- (a) as nearly as practicable one-half but not exceeding one-half constituencies from amongst the constituencies reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes taken up collectively shall be declared reserved for women belonging to the same category as already determined,
- (b) the number of constituencies declared under clause (a) shall be set apart from the total number of constituencies to be reserved for women under sub-clause (ii) of clause (e) of sub-rule (1) and the constituencies matching the resultant number shall be identified for reservation for women from among the constituencies not reserved under sub-rule (2),
- (c) for the purpose of reservation of seats in accordance with the roster as specified in the Second Schedule, all the seats available for reservation shall be arranged in the ascending order of their assigned serial numbers and an additional set of consecutive and continuous serial numbers shall be given to them so that reservation may be made to match such continuous serial numbers with identical serial numbers in the roster;
- (d) 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 any term of election, the procedure stated under provisos to clause (b) and (c) of sub-rule (2) shall be followed.
- (e) in case the number of constituency determined under sub-section (3) and (4) of section 17 is one only, that constituency shall be reserved for women for the first term of election and there shall be no reservation for the second term of election.

(5) for the FIRST SCHEDULE, *substitute* the following SCHEDULE:—

"FIRST SCHEDULE

Roster for reservation of seats for the Scheduled Castes, the Scheduled Tribes and the Backward Classes by rotation

[see rule 22(2), rule 24(2) and rule 26(2)]

Total no. of seats to be reserved	Seats to be reserved in 1st term of General Election	Seats to be reserved in 2nd term of General Election
(1)	(2)	(3)
1	1	2
2	1, 3	2, 4
3	1, 3, 5	2, 4, 6
4	1, 3, 5, 7	2, 4, 6, 8
5	1, 3, 5, 7, 9	2, 4, 6, 8, 10
6	1, 3, 5, 7, 9, 11	2, 4, 6, 8, 10, 12
7	1, 3, 5, 7, 9, 11, 13	2, 4, 6, 8, 10, 12, 14
8	1, 3, 5, 7, 9, 11, 13, 15	2, 4, 6, 8, 10, 12, 14, 16
9	1, 3, 5, 7, 9, 11, 13, 15, 17	2, 4, 6, 8, 10, 12, 14, 16, 18
10	1, 3, 5, 7, 9, 11, 13, 15, 17, 19	2, 4, 6, 8, 10, 12, 14, 16, 18, 20
11	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22
12	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24
13	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26
14	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28
15	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30
16	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32
17	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34
18	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36
19	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38
20	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40
21	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42
22	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44

Total no. of seats to be reserved	Seats to be reserved in 1st term of General Election	Seats to be reserved in 2nd term of General Election
(1)	(2)	(3)
23	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46
24	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48
25	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50
26	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52
27	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54
28	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56
29	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58
30	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60
31	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62
32	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64
33	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66

Note 1.— If the total number of seats or constituencies to be reserved exceeds 33, additional seats or constituencies may be reserved following the same sequential order.

Note 2.— The serial numbers shown under columns 2 and 3 should match the sequential position of the seats and constituencies enlisted in descending order of the percentage of the Scheduled Castes or the Scheduled Tribes or the Backward Classes under rule 22, rule 24 or rule 26 as the case may be.”;

(6) for the SECOND SCHEDULE, *substitute* the following SCHEDULE:—

“SECOND SCHEDULE

Roster for reservation of seats for women by rotation

[see rule 22(3), rule 24(3) and rule 26(3)]

Total no. of seats among which reservation shall be made	Seats to be reserved in 1st term of General Election	Seats to be reserved in 2nd term of General Election
(1)	(2)	(3)
1	1	—
2	1	2
3	1	2
4	1, 3	2, 4
5	1, 3	2, 4
6	1, 3, 5	2, 4, 6
7	1, 3, 5	2, 4, 6
8	1, 3, 5, 7	2, 4, 6, 8
9	1, 3, 5, 7	2, 4, 6, 8
10	1, 3, 5, 7, 9	2, 4, 6, 8, 10
11	1, 3, 5, 7, 9	2, 4, 6, 8, 10
12	1, 3, 5, 7, 9, 11	2, 4, 6, 8, 10, 12
13	1, 3, 5, 7, 9, 11	2, 4, 6, 8, 10, 12
14	1, 3, 5, 7, 9, 11, 13	2, 4, 6, 8, 10, 12, 14
15	1, 3, 5, 7, 9, 11, 13	2, 4, 6, 8, 10, 12, 14
16	1, 3, 5, 7, 9, 11, 13, 15	2, 4, 6, 8, 10, 12, 14, 16
17	1, 3, 5, 7, 9, 11, 13, 15	2, 4, 6, 8, 10, 12, 14, 16
18	1, 3, 5, 7, 9, 11, 13, 15, 17	2, 4, 6, 8, 10, 12, 14, 16, 18
19	1, 3, 5, 7, 9, 11, 13, 15, 17	2, 4, 6, 8, 10, 12, 14, 16, 18
20	1, 3, 5, 7, 9, 11, 13, 15, 17, 19	2, 4, 6, 8, 10, 12, 14, 16, 18, 20
21	1, 3, 5, 7, 9, 11, 13, 15, 17, 19	2, 4, 6, 8, 10, 12, 14, 16, 18, 20
22	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22
23	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22
24	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24
25	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24
26	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26
27	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26
28	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28

Total no. of seats among which reservation shall be made	Seats to be reserved in 1st term of General Election	Seats to be reserved in 2nd term of General Election
(1)	(2)	(3)
29	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28
30	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30
31	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30
32	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32
33	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32
34	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34
35	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34
36	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36
37	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36
38	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37	2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38

Note 1.— If the total number of seats or constituencies among which reservation shall be made exceeds 38, additional seats or constituencies may be reserved following the same sequential order.

Note 2.— The serial numbers shown under columns 2 and 3 indicate the position of the seats or constituencies in the Schedule drawn up in ascending order of assigned serial number of seats or constituencies.”;

(7) in Forms A and A1:—

- (i) for the words and figures, “Scheduled Castes members, Scheduled Tribes members and women members to be elected to such *Gram Panchayats* specified in the corresponding entries in columns 2(a), 2(b), 2(c) and 2(d) respectively”, “*substitute* the words and figures, “Scheduled Castes members, Scheduled Tribes members, Backward classes members and women members to be elected to such *Gram Panchayats* specified in the corresponding entries in columns 2(a), 2(b), 2(c), 2(d) and 2(e) respectively.”
- (ii) for the words ‘the Scheduled Castes or the Scheduled Tribes persons’, *substitute* the words “the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons”,
- (iii) in the Schedule,—
 - (a) In column (2d), for the word “women”, *substitute* the words “Backward Classes”
 - (b) After clause (2d), *insert* a new column (2e) with the heading ‘women members’
 - (c) In column (5), for the words “Scheduled Castes or Scheduled Tribes”, *substitute* the words “Scheduled Castes or Scheduled Tribes or Backward Classes”

(8) in Forms B and B1:—

- (i) For the words, “the Scheduled Castes or the Scheduled Tribes persons”, *substitute* the words, “the Scheduled Castes or the Scheduled Tribes or the Backward Classes persons”.
- (ii) In the column (5) of the Schedule, for the words, “Scheduled castes and Scheduled Tribes persons,” substitute the words, “Scheduled Castes, Scheduled Tribes and Backward Classes persons.”

(9) in Form I, for the words, “Scheduled Castes/Scheduled Tribes/Women” occurring in two places, *substitute* the words “Scheduled Caste/Scheduled Tribes/Backward Classes/Women.”**(10) in Form 2:—**

- (i) for the words, “Scheduled Castes/Scheduled Tribes/Women” occurring in two places, *substitute* the words “Scheduled Caste/Scheduled Tribes /Backward Classes/Women.”
- (ii) For the words, “I further declare that I am a member of theCaste/Tribe** which is a Scheduled Caste/Tribe** of the state of West Bengal. A copy of the Scheduled Castes/Scheduled Tribes certificate issued in my favour is enclosed (in the case of a candidate filing nomination for a constituency reserved for Scheduled Castes/Scheduled Tribes persons) *substitute* the words, “I further declare that I am a member of theCaste/Tribe/Class** which is a Scheduled Caste/Tribes/ Backward Class** of the state of West Bengal. A copy of the Scheduled Caste/ Scheduled Tribe/ Backward Class certificate issued in my favour is enclosed (in the case of a candidate filing nomination for a constituency reserved for Scheduled Castes/ Scheduled Tribes/ Backward Classes persons).”

(11) In Form 3, for the words, “Scheduled Castes/Scheduled Tribes/Women” occurring in two places, *substitute* the words “Scheduled Castes/Scheduled Tribes /Backward Classes/Women.”**(12) In Form 4, for the words, “Scheduled Castes/Scheduled Tribes/Women” occurring in two places, *substitute* the words “Scheduled Castes/Scheduled Tribes /Backward Classes/Women.”****(13) In Form 7, for the words, “Scheduled Castes/Scheduled Tribes/Women” occurring in two places, *substitute* the words “Scheduled Castes/Scheduled Tribes /Backward Classes/Women.”****(14) In Form 12, for the words, “Scheduled Castes/Scheduled Tribes/Women” occurring in four places, *substitute* the words “Scheduled Castes/Scheduled Tribes /Backward Classes/Women.”**

By order of the Governor,

SAURABH KUMAR DAS

Principal Secretary to the Government of West Bengal.

