WEST BENGAL STATE ELECTION COMMISSION
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No. 2820(9)–SEC/1E-85/2015 **Date : 03.09.2015**

From : The Secretary
West Bengal State Election Commission

To : The President / Chairman / Secretary / General Secretary

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Sub : Issues regarding election to the newly included areas of Howrah Municipal Corporation.

Sir,

In continuation of the discussion in the meeting with all Political Parties on 10.07.2015 and 17.07.2015, necessary references were made to the Govt. regarding amendment of existing Act, wherever required, to facilitate holding election to the added area of Howrah Municipal Corporation. The Govt. has made time to time amendments in the matter. The details are given below;

1. The Howrah Municipal Corporation (Second Amendment) Act, 2014 (West Bengal Act. XII, 2014) amending Section 219 (1) of the Howrah Municipal Corporation Act, 1980, empowering the Govt. to amend Schedule – I of the said Act.
2. The Howrah Municipal Corporation (Second Amendment) Ordinance, 2015, the West Bengal Ordinance No. III of 2015, amending Section 5 of the Howrah Municipal Corporation Act, 1980, incorporating words **"66 elected Councilors"** for the Words **"50 elected Councilors"** in Clause (a) of Sub-Section(1) of Section 5 of the said Act.
3. In terms of Order No. 601/MA/O/C-4/1E-1/2008 (Part – I) dated 02.09.2015, the Govt. of West Bengal has relaxed the provision of Rule 3 and Rule 4 of the West Bengal Municipal Elections (Reservation of Seats) Rules, 1994, in exercise of the power conferred by Rule 5 of the said Rules.
4. In terms of Order No. 600/MA/O/C-4/1E-1/2008 (Part – I) dated 02.09.2015, the newly created 16 Wards of Howrah Municipal Corporation have been specified as **"declared vacant"** in terms of 83(1) of the West Bengal Municipal Elections Act, 1994, and the said Section provides for election which inter-alia includes election of declared vacancies, read with West Bengal Ordinance No. III of 2015.
5. In exercise of the power conferred by Section 90 of the West Bengal State Election Commission Act, 1994, the term of the member to be chosen to fill the declared vacancies shall be for the remainder period of the current term of Howrah Municipal Corporation. As included in order No. 600/MA/O/C-4/1E-1/2008 (Part – I) dated 02.09.2015.

6. In terms of Order No. 603/MA/O/C-4/1M-51/2014 dated 02.09.2015, the Govt., has amended the Schedule – II of the Howrah Municipal Corporation Act, 1980, in exercise of the Power concurred by Section 219 of the Howrah Municipal Corporation Act, 1980, by way of inserting boundaries of newly added Ward Nos. 51 – 66.

In terms of the aforesaid amendments brought out by the Govt. the Commission treats the election of 16 newly added wards of Howrah Municipal Corporation as election of declared vacancies within the meaning of Section 83(1) of the West Bengal Municipal Elections Act, 1994. The Commission also views that delimitation of the newly added wards in terms of Section 3(1) of the aforesaid Act will not be applicable in view of amendment of Schedule – II of the Howrah Municipal Corporation Act, 1980, and that the relaxed provision of Rule 3 and 4 of the West Bengal Municipal Elections (Reservation of Seats) Rules, 1994, will be applicable for determination of reservation of seats of the 16 newly added wards in terms of Order No. 601/MA/O/C-4/1E-1/2008 (Part – I) dated 02.09.2015, of the Govt.

The commission accordingly proceeds to conduct election of the added areas of Howrah Municipal Corporation in terms of Order CIVIL APPEAL NO. 4867 - 4868 of 2015 (Arising out of SLP(C) Nos. 15537-15538/2015) of the Hon'ble Supreme Court of India.

The schedule for reservation of seats in respect of the added area of Howrah Municipal Corporation will be as follows;

1. Draft publication in Form – A, by DM & DMEO, Howrah - 04.09.2015.
2. Receiving and disposal of Objection / Suggestion - 07.09.2015.
3. Final Publication of the Order in Form – B - 08.09.2015

Copies of all relevant orders are enclosed for your perusal.

Yours faithfully

8/9/15

Secretary
West Bengal State Election Commission

Registered No. WB/SC-247

No. WB(Part-IIIA)/2015/SAR-3

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PART IIIA—Ordinances promulgated by the Governor of West Bengal under the Constitution of India.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Ordinance No. III of 2015

THE HOWRAH MUNICIPAL CORPORATION (SECOND AMENDMENT) ORDINANCE, 2015.

WHEREAS it is expedient to amend the Howrah Municipal Corporation Act, 1980, for the purposes and in the manner hereinafter appearing; West Ben. Act LVIII of 1980.

AND WHEREAS the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance:—

Short title and commencement.

1. (1) This Ordinance may be called the Howrah Municipal Corporation (Second Amendment) Ordinance, 2015.

(2) It shall come into force at once.

Amendment of section 5 of West Ben. Act LVIII of 1980.

2. In section 5 of the Howrah Municipal Corporation Act, 1980 (hereinafter referred to as the principal Act),—

(i) in clause (a) of sub-section (1), for the words "fifty elected Councillors", the words "sixty-six elected Councillors" shall be substituted;

(ii) in sub-section (2), for the words "fifty Councillors", the words "sixty- six Councillors" shall be substituted.

(Sections 3, 4.)

Amendment of section 6.

3. In sub-section (1) of section 6 of the principal Act, the words "not exceeding ten," shall be omitted.

Amendment of section 11.

4. In sub-section (1) of section 11 of the principal Act, for the words "at least seven boroughs", the words "such number of boroughs as may be determined by the State Government" shall be substituted.

KOLKATA,
The 30th June, 2015.

KESHARI NATH TRIPATHI,
Governor of West Bengal.

By order of the Governor,

MADHUMATI MITRA,
Secy. to the Govt. of West Bengal,
Law Department.

Published by Law Department, Government of West Bengal and
Printed at Saraswaty Press Ltd.(Government of West Bengal Enterprise), Kolkata 700 056.

Government of West Bengal
Department of Municipal Affairs
Writers' Buildings: Kolkata

Order

No. 601/MA/O/C-4/1E-1/2008(Pt. I) **Dated, Kolkata, the 2nd day of September, 2015.**

WHEREAS the term of the Board of Councillors of erstwhile Bally Municipality in the district of Howrah (hereinafter referred to as Bally) expired on 12.06.2015, and thereafter inclusion of areas of erstwhile Bally municipality within the limits of Howrah Municipal Corporation in the district of Howrah (hereinafter referred to as the said Corporation) was completed by 26.06.2015 and after promulgation of the Howrah Municipal Corporation (Second Amendment) Ordinance, 2015 dated 30.06.2015 existing number of councillors of the said Corporation was increased from 50 to 66;

AND WHEREAS a petition was filed before the Hon'ble Supreme Court in regard to holding municipal election at Bally, and in that case the Hon'ble Supreme Court by order dated 25.5.15 has given a clear direction that after the exercise which is required for holding the election is completed by 30.6.2015 in terms of the order, the State Election Commission shall start its exercise for holding election in the manner mentioned in the said order immediately;

AND WHEREAS the process for inclusion of Bally within the said Corporation was completed within the time limit stipulated by Hon'ble Supreme Court, and thereafter, for holding election to Bally, the process of delimitation of the newly included areas into wards of the said Corporation was taken up, and the area was delimited into 16 wards, and by adding these 16 wards with the previous 50 wards of the said Corporation the total number of wards of the said Corporation has become 66;

AND WHEREAS the municipal election to the said Corporation was already held on 11th December, 2013, prior to inclusion of Bally in the said Municipal Corporation, in compliance with the provisions and modalities of the West Bengal Municipal Elections (Reservation of Seats) Rules, 1994

(hereinafter referred to as the said rules), and it has now become necessary to hold the election of the newly included areas of the said Municipal Corporation, after compliance of the provisions of rule 3 and time limits of rule 4 of the said rules.

AND WHEREAS in terms of provisions of the said rules prior to any election all the wards are placed in their respective position in the roaster reservation of seats reservation of seats for SC, ST and Women of the respective term on the basis of population parameters mentioned in rule 3 of the said Rules, and for this the process prescribed in rule 4 of the reservation of seats rules are complied with by publishing draft reservation list on a date not later than 10 weeks from the date of election and final list not later than 7 weeks from the date of election. In the instant case election to 50 wards of said Corporation have been held after complying with the said process, but in case of the newly added areas, as the area was not a part of said Corporation prior to the said election, the process of reservation of seats have not been complied with, and for this reason it is now not possible to comply with the provisions of rule 3 of the said rules by placing the new wards in their respective position in the roaster of total 66 wards, among which 50 wards are already filled up by sitting Councillors, and in addition to this due to time constraint for compliance of the deadline for holding election by Hon'ble Supreme Court, compliance of the provisions of rule 4 of the said rules is also not possible, and thus, in the case of holding election to the areas included in the said Corporation difficulty is arising in giving effect to the provisions of rule 3 and rule 4 of the said rules in regard to reservation of seats for SC, ST and Women (hereinafter referred to as the said difficulties);

NOW, THEREFORE, the Governor, in order to remove the said difficulties, in exercise of the powers conferred by rule 5 of the said rules, in consultation with West Bengal State Election Commission is pleased hereby to direct that, in view of orders of Hon'ble Supreme Court in regard to holding of election to the areas included in the said Corporation, the following modalities shall be followed in relaxation of rule 3 and rule 4 of the said rules:

(1) In relaxation of the provisions of rule 3 of the said rules,-

Total number of reserved seats admissible for 66 wards shall be calculated and the number of seats already reserved among ward No. 1 to 50, to be deducted from the total seats to be reserved in 66 wards, and the number of seats derived from such deduction to be reserved to comply with the provisions of the said rules;

(2) In relaxation of the provisions of rule 4 (1) of the said rules, the draft order under rule 3 to be published by the prescribed Authority in form A on such date not later than 29 days before the date of poll; and in relaxation of rule 4(4) of the said rules the prescribed Authority shall publish the order in Form B with alterations and amendments, if any, on such date not later than 26 days before the date of poll.

By order of the Governor,
Sd/- Mitra Chatterjee
Jt. Secy. to the Government of West Bengal

No. 601/1(7)/MA/O/C-4/1E-1/2008(Pt. I) Dated, Kolkata, the 2nd day of September, 2015.

Copy forwarded for information to :

1. Secretary, West Bengal State Election Commission
2. OSD to Chief Secretary to the Government of West Bengal
3. Commissioner, Howrah Municipal Corporation
4. District Magistrate, Howrah
5. PS to MOS, Law and Judicial Departments
6. PS to MIC, MA and UD Departments
7. Pr. S. to Principal Secretary, Municipal Affairs Department

2.9.2015
Joint Secretary

Government of West Bengal
Department of Municipal Affairs
Writers' Buildings: Kolkata

Order

No. 600/MA/O/C-4/1E-1/2008(Pt. I) **Dated, Kolkata, the 2nd day of September, 2015.**

WHEREAS the term of the Board of Councillors of erstwhile Bally Municipality in the district of Howrah (hereinafter referred to as Bally) expired on 12.06.2015, and thereafter inclusion of areas of erstwhile Bally municipality within the limits of Howrah Municipal Corporation in the district of Howrah (hereinafter referred to as the said Municipal Corporation) was completed by 26.06.2015 and after promulgation of the Howrah Municipal Corporation (Second Amendment) Ordinance, 2015 dated 30.06.2015 existing number of councillors of the said Corporation was increased from 50 to 66;

AND WHEREAS a petition was filed before the Hon'ble Supreme Court in regard to holding municipal election at Bally, and in that case the Hon'ble Supreme Court by order dated 25.5.15 has given a clear direction that after the exercise which is required for holding the election is completed by 30.6.2015 in terms of the order, the State Election Commission shall start its exercise for holding election in the manner mentioned in the said order immediately;

AND WHEREAS the process for inclusion of Bally within the said Corporation was completed within the time limit stipulated by Hon'ble Supreme Court, and thereafter, for holding election to Bally, the process of delimitation of the newly included areas into wards of the said Corporation was taken up, and the area was delimited into 16 wards, and by adding these 16 wards with the previous 50 wards of the said Corporation the total number of wards of the said Corporation has stood at 66;

AND WHEREAS sub section (1) of section 83 of the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994) (hereinafter referred to as the said Act), provides for election which inter alia includes the election of 'declared vacant' seats;

AND WHEREAS the said vacancy of 16 seats of the said Corporation after the Howrah Municipal Corporation (Second Amendment) Ordinance, 2015 shall be treated as declared vacancy by operation of law;

AND WHEREAS the municipal election to the said Corporation was already held on 11th December, 2013, prior to inclusion of erstwhile Bally in the said Corporation;

AND WHEREAS a question was raised about determining the term of the said 16 Councillors to be elected from the ensuing election in the said Corporation, and thus in this case a difficulty has arisen to determine the term of the councillor to be elected for the said Corporation treating the same as declared vacancy by operation of law (hereinafter referred to as the said difficulty);

NOW, THEREFORE, the Governor, in order to remove the said difficulty, in exercise of the powers conferred by section 90 of the said Act, in consultation with the State Election Commission, is pleased hereby to direct that a member to be chosen to fill the declared vacancies of the said Corporation, shall be chosen to serve for the remainder period of the current term of the said Corporation.

By order of the Governor,
Sd/- Mitra Chatterjee
Jt. Secy. to the Government of West Bengal.

No. 600/1(7)/MA/O/C-4/1E-1/2008(Pt. I) Dated, Kolkata, the 2nd day of September, 2015.

Copy forwarded for information to :

1. Secretary, West Bengal State Election Commission
2. OSD to Chief Secretary to the Government of West Bengal
3. Commissioner, Howrah Municipal Corporation
4. District Magistrate, Howrah
5. PS to MOS, Law and Judicial Departments
6. PS to MIC, MA and UD Departments
7. Pr. S. to Principal Secretary, Municipal Affairs Department

Joint Secretary 2/9/15

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF MUNICIPAL AFFAIRS
WRITERS' BUILDINGS, KOLKATA

NOTIFICATION

No. 603/MA/O/C-4/IM-51/2014 Dated, Kolkata, the 2nd day of September, 2015.

WHEREAS, the State Government, vide notification No.428/MA/O/C-4/1M-36/2014 dated the 26th June, 2015 published in the Kolkata Gazette Extraordinary on June, 26, 2015 (hereinafter referred to as the said Notification) included the areas of erstwhile Bally Municipality in the district of Howrah (hereinafter referred to as the said areas), within the limits of Howrah to be administered by the Howrah Municipal Corporation (hereinafter referred to as the said Corporation) constituted under the Howrah Municipal Corporation Act, 1980 (West. Ben. Act LVIII of 1980) (hereinafter referred to as the said Act);

AND WHEREAS, the said notification was issued in terms of provisions of sub-section (3) of section 219 of the said Act, with the approval of the West Bengal Legislative Assembly vide item No. 5 of the proceedings of the House dated the 17th June, 2015;

AND WHEREAS, the Commissioner of the said Corporation has submitted a proposal determining the limits of the wards of the newly included area of the said Corporation for amendment of Schedule II of the said Act vide memo No. Commr./219/15-16 dated 02/09/2015 and whereas the District Magistrate, Howrah has submitted a proposal for amendment of Schedule II of the said Act of the newly included area within the limits of the said Corporation vide Memo No. 669/MA dated 02/09/2015 for the purpose;

NOW, THEREFORE, in exercise of the power conferred by section 219 of the said Act, the Governor is pleased hereby to amend the Schedule II of the Howrah Municipal Corporation Act, 1980 in the following manner:

Amendments

In Schedule II of the said Act, after Ward No. 50 and the areas relating thereto, insert the following Wards and the areas:-

"Ward No.51

Staring from the Bally Khal point of the Sri Charan Sarani upto Bally railway station in northern side, then follow railway line in western side and follow Bireswar Chatterjee Street in southern side upto Hooghly river then turn left follow the embankment of Hooghly river upto Bally Khal point in eastern side.

Ward No. 52

Stating from north east corner of Hooghly river, follow Bireswar Chatterjee Street in northern side upto Eastern Railway line, turn left follow railway line in western and then

Goswami Para Road in southern side, then upto junction of Bireswar Chatterjee Street and Goswami Para Road

Ward No. 53

Starting from Dingsai Para in north east corner to cross G.T. Road, then to follow Kailash Banerjee Lane and Santiram Rasta in western , then follow Taraka Sidhanta Lane and Punam Chand Bagaria Road upto Hooghly river in eastern and southern side.

Ward No. 54

Starting from junction point of Goswami Para Road in north, follow Goswami Para Road upto Eastern Railway line and follow railway line upto Dharmataala Road in southern side and follow Kailash Banerjee Lane ,Santiram Rasta and Taraka Sidhanta Lane in eastern side.

Ward No.55

Starting from Dharmatala Road and Taraka Sidhanta Lane in northern side upto Railway line in western side then follow Ananda Gopal Mukherjee Lane & Ramanath Bhattacharjee Street upto G.T. Road in southern side then G.T. Road in eastern side.

Ward No. 56

Staring from junction of G.T. Road and Ananda Gopal Mukherjee Lane , follow Ananda Gopal Mukherjee Lane, then Ramanath Bhattacharjee Street in northern side, then Dinanath Ghosh Street in western side, then follow K.N. Chatterjee Street and Shib Chandra Chatterjee Street (Old Thakwell Road) in southern side, then follow G.T. Road in eastern side .

Ward No.57

Starting from junction of embankment of Hooghly river and Punam Chand Bagaria Road, follow Punam Chand Bagaria Road in northern side, then follow G.T. Road in western side upto Belur Bazar, then turn right, follow Lala Babu Shaire Road, then Girish Ghosh Road upto junction of Ram Lochan Shair Street, then turn right follow Rajen Seth Lane and H.K. Chatterjee Street in southern side then Hooghly river in eastern side.

Ward No. 58

Starting from junction of Hooghly river and of Ram Lochan Shair Street in northern side , then follow Girish Ghosh Road and H.K. Chatterjee Street in western side, then follow Rajen Seth Lane and part of H.K. Chatterjee Street in southern side upto Hooghly river in eastern side .

Ward No. 59

Starting from B.K. Paul Temple road in northern side , follow Mainuddin Ansari Street and H.K. Chatterjee Street in western side , then turn right follow Jaya Bibi Road in

southern side then follow Ashutosh Mukherjee Road along the bank of Hooghly river in eastern side.

Ward No. 60

Starting from Girish Ghosh Bye Lane in northern side then follow G.T. Road in western side upto junction of Guha Road then follow Guha Road in southern side and follow Mainuddin Ansari Street and part of H.K Chatterjee Street in eastern side.

Ward No. 61

Starting from Belur Bazar, follow Lala Babu Shair Road upto 56 More in northern side, then turn right follow Girish Ghosh Road in eastern side then follow Abhoy Guha Road in southern side , then follow G.T. Road in western side.

Ward No. 62

Starting from junction of K.N. Chatterjee Street and G.T. Road follow K.N. Chatterjee Street and Thakwell Road in northern side upto Railway Boundary then follow Howrah Burdwan main Railway line in western side then turn right follow Kali Mazumder Street in southern side upto G.T. Road follow G.T. Road in eastern side

Ward No. 63

Starting from in northern side 184 Domjur AC and in western 184 Domjur AC then Netaji Subhas Road and Gadadhar Bhatta Road in southern side turn right follow Railway track in eastern side.

Ward No. 64

Starting from junction of Mirpara Road and Gadadhar Bhatta Road in northern side, turn left follow Gadadhar Bhatta Road in western side and turn right follow Rabindra Sarani in southern side and then upto border of Ward No. 66 in eastern side.

Ward No. 65

Starting from joint of Eastern Railway line and N.S. Road , follow Netaji Subhas Road in northern side, turn left follow Mirpara Road in western side then turn right to Rabindra Sarani and Mirpara Road and then in southern to Eastern Railway line in eastern side.

Ward No. 66

Starting from junction of Eastern Railway track and Rabindra Sarani , then follow Rabindra Sarani and chakpara Road in northern side , follow chakpara Road in western side , then turn right follow Jhil Road in southern side upto railway line and also Howrah-Burdwan railway line in eastern side."

By Order of the Governor,
Sd./- M. Chatterjee
Jt. Secy. to the Govt. of West Bengal.

No. 603/1(15)/MA/O/C-4/IM-51/2014 Dated, Kolkata, the 2nd day of September, 2015.

Copy forwarded for information and necessary action to the,--

1. Secretary, West Bengal State Election Commission, 18, Sarojini Naidu Sarani, Kolkata-700017.
2. Commissioner, Howrah Municipal Corporation. 4, Mahatma Gandhi, Howrah-711101.
3. OSD to Chief Secretary to the Govt. of West Bengal.
4. District Magistrate, Howrah.
5. P. S. to MIC, Law & Judicial Departments.
6. P. S. to MIC, MA & UD Departments.
7. Pr. S to Principal Secretary of this Department.
8. Cell- 1 & 5 of this Department.

2/9/15

Joint Secretary.