

WEST BENGAL STATE ELECTION COMMISSION
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No. 2660(19)-SEC/6D-9/2010

Date : 20.08.2015

From : The Secretary,
West Bengal State Election Commission.

To : The District Panchayat Election Officer &
District Magistrate, Cooch Behar / Jalpaiguri / Alipurduar / Darjeeling / Uttar Dinajpur /
Dakshin Dinajpur / Malda / Murshidabad / Nadia / North 24-Parganas / South 24-
Parganas / Howrah / Hooghly / Purba Medinipur / Paschim Medinipur / Purulia /
Bankura / Burdwan / Birbhum.

Ref.: Eligibility and ineligibility for candidature to the Panchayat Elections.

Sir,

I am directed to state that the question of eligibility of any category of persons for contesting Panchayat elections, should be settled in the light of the provisions, constitutional and statutory, on disqualification, extracts of which are available in Panchayat Elections Manual published by the State Government in 2008. In this regard provisions made out at the Section 8, 97 and 142 of the West Bengal Panchayat Act, 1973 and the Section 4,5,6,7 and 8 of the Panchayat Elections Act, 2003, may also be referred to.

However, a few conditions of eligibility and ineligibility for candidature to the Panchayat Elections are given below which are merely illustrative but not exhaustive.

I. Persons eligible to contest Panchayat Elections:

- a) Not less than 21 years of age on the date of Scrutiny;
- b) Name appears in the electoral roll pertaining to the Gram Panchayat , Panchayat Samiti and Zilla Parishad to which the election is being held;
- c) In case of reserved seat intending candidate must belong to the category to which the seat belongs;
- d) **Instructor of Child Education Centre:** They are eligible to contest as they are neither employees of the State Government nor of the Panchayat but work on a part time basis on an agreement with a Local Organizing Committee;
- e) **Community Health Guide:** It is understood that they are not regular employees under the State Government nor under any rule making authority of the State Government and work on a fixed monthly remuneration, on this consideration they are eligible to contest;

- f) **Anganwari Worker and Helper:** On the grounds as stated in para (e) above, they are eligible to contest;
- g) **Instructor of Child Labour School:** On the grounds as stated in para (e) above, they are eligible to contest;
- h) **Primary School Teachers & High School Teachers:** They are eligible to contest;
- i) **Contractor working at P.W.D. etc.:** They are eligible as there is no bar against persons having contractual obligation with the State Government in any department;
- j) **Employees of Electricity Board:** They are eligible to contest under the Act (but if there are any restraining orders imposed by the Board on their employees, then those shall prevail);
- k) **Tax defaulter in paying tax either to the Govt./Panchayat:** They are eligible as there is no contravening provision in the extant Acts and Rules ;
- l) Prerak and Prabartak are functionaries under the Zilla Saksharata Prasar Samiti and have a contractual relationship with that Samiti. Since they have no direct relationship with any Panchayat body, they are eligible to contest in Panchayat Elections;
- m) A contractor who is not an enlisted contractor, has a temporary contractual relationship. If his work is completed and he has received back his security money, his contractual relationship terminates and he is then eligible to contest.
- n) Sishu Siksha Sahayaka or Sahayaks under S.S.K. programme and similar functionaries under M.S.K. programme are eligible since they are in relationship with the Managing Committee concerned and not with any Panchayat body.

II. Persons not eligible to contest in Panchayat Elections:

- a) **Panchayat Tax Collectors:** They are not eligible to contest in any election to a Panchayat as they are in contractual obligation with the Gram Panchayat as envisaged in clause (c) of Section B of the West Bengal Panchayat Act;
- b) **Contractor working for ZP/PS/GP:** They are not eligible in terms of clause (c) of Section B of the Act as long as the contractor / agreement subsists;
- c) **Job Worker receiving monthly remuneration from Panchayat Body (on contract basis):** In view of the fact that they are under contractual obligation, they are not eligible unless contractual obligation terminates in the meantime;

- d) **M.R. Dealer:** M.R. dealer is eligible to contest. However, when a M.R. dealer is also a G.R. dealer or dealer in respect of Mid-day meal, Annapurna Anna Yojana or Antyodaya Anna Yojana, he is not eligible. In the first case, he is under contractual relationship with the State Govt. which does not debar him from contesting. In latter case, he is also in contractual relationship with a Panchayat body having jurisdiction and hence not eligible;
- e) An enlisted contractor is one who has been included in a list of contractors prepared after a due process of inviting applications scrutiny and selection and payment of certain amount of fee for enlistment, has a persisting contractual relationship. On such view, an enlisted contractor in any Panchayat body within jurisdiction is ineligible to contest Panchayat Elections.

Panchayat Returning Officer concerned may be informed accordingly.

Yours faithfully,



Secretary,

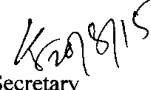
West Bengal State Election Commission

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Copy forwarded for information and necessary action to the:

1. The District Panchayat & Rural Development Officer,
2. The Panchayat Returning Officer,
3. President/ Chairman/ General Secretary/ Secretary, (Political Party)



Secretary

West Bengal State Election Commission