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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 MUNICIPAL AFFAIRS**  
**WRITERS' BUILDINGS : KOLKATA**

**NOTIFICATION**

No. 541/MA/O/C-4/3R-8/2009

Kolkata, the 25th November, 2009.

In exercise of the power conferred by section 88 of the West Bengal Municipal Elections Act, 1994 (West Ben. Act XXXIV of 1994), the Governor, after consulting the West Bengal State Election Commission, is pleased hereby to make the following amendments in the West Bengal Municipal Elections (Reservation of Seats) Rules, 1994 published under this Department notification No. 607/C-4/M1A-38/94, dated the 21st December, 1994 (hereinafter referred to as the said rules) :-

Amendments

In the said rules, —

(1) in rule 3, —

- (a) in sub-rule (1), in clause (a), for the words, brackets and figures "the Siliguri Municipal Corporation Act, 1990 (West Ben. Act XXX of 1990), the Asansol Municipal Corporation Act, 1990 (West Ben. Act XXXI of 1990), the Chandernagore Municipal Corporation Act, 1990 (West Ben. Act XXXII of 1990)", substitute the words, brackets and figures "the West Bengal Municipal Corporation Act, 2006 (West Ben. Act XXXIX of 2006)";

- (b) after sub-rule (1), insert the following sub-rule:

"(1A) Identification and declaration of seats to be reserved for women under sub-section (2) and sub-section (3) of section 29 shall be made separately in accordance with the roster as specified in the Second Schedule in the manner as follows :-

- (i) not less than one-third seats from amongst the seats reserved for the Scheduled Castes and the Scheduled tribes taken up collectively shall be declared reserved for women belonging to Scheduled Castes or the Scheduled Tribes, as the case may be;

- (ii) the number of seats declared under clause (i) shall be taken apart from the total number of seats to be reserved for women under sub-rule (1) and the seats matching the resultant number shall be identified and declared for reservation for women from amongst the seats not reserved under sub-section (1) of Section 29; and (iii) 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 ward numbers with the ward having lowest number on the top of the list and an additional set of 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';
- (c) in clause (b) of sub-rule (2), —
- (i) in the second proviso for the word "Schedule", *substitute* the words "Second Schedule"; and
- (ii) for the fourth proviso *substitute* the following proviso:  
 "Provided also that reservation of seats for women from the first term under sub-rule (3) shall start from the first term mentioned in the Second Schedule."
- (d) after sub-rule (2), *insert* the following sub-rule:
- "(3) Notwithstanding anything contained in sub-rule (2), in the case of the Municipalities where the first municipal general election shall be held after bringing this sub-rule into force, and where municipal general elections have been held after making reservation of seats for the Scheduled Castes, Scheduled Tribes and women as per the provisions of sub-rule (2) of this rule and three consecutive terms have been completed, in the next term, succeeding the third term of the said three consecutive terms, for reservation of seats for Scheduled Castes, Scheduled Tribes and women the procedure as enumerated in sub-rule (1) and sub-rule (2) shall be followed excepting the procedures laid down in proviso (iii), (iv), (v) and (vi) of sub-rule (2), and for the procedures enumerated in proviso (ii), (iv), (v) and (vi) of sub-rule (2), the following procedure shall be followed in these cases:
- (a) after the percentage of the Scheduled Castes or the Scheduled Tribes population in the total population is determined and the constituencies eligible for reservation are identified, two separate lists, one for the Scheduled castes and the other for the Scheduled Tribes shall be prepared in the descending order of the percentage of the Scheduled Castes or the Scheduled Tribes population, constituency having the highest percentage coming at the top of the list;
- (b) for the first term of election among three consecutive terms, the lists referred to in clause (a) shall be taken up separately and such number of seats as may be determined under sub-rule (1) shall be reserved for the Scheduled Castes or the Scheduled Tribes 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 with the ward having highest percentage of the Scheduled Castes or the Scheduled Tribes population on the top of the list, and an additional set of continuous serial numbers shall be assigned 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 and third term of election, the same procedure shall be followed in accordance with the roster specified in the First Schedule respectively for the second and the third term of election:
- Provided that if for the second or the third term of election, the total number of seats to be reserved are not attained in accordance with the roster respectively for the second or the third 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 third or the first term of election, as the case may be;

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- (d) if following the principle of rotation, any seat is selected in any term of election for reservation for both the Scheduled Castes and the Scheduled Tribes persons, preference shall be given to reservation for the Scheduled Tribes persons, and thereafter reservation for the Scheduled Castes persons shall be made of the seat coming next in order:

Provided that the seat or constituency so reserved for the Scheduled Tribes persons on the aforesaid ground shall be taken into consideration for reservation for Scheduled Castes persons in the next term of election:

Provided further that in the Municipalities where first or second term of election have been held after making reservation of seats for the Scheduled Castes, Scheduled Tribes and women the procedure followed in the first term of election for reservation of seats for Scheduled Castes or Scheduled Tribes and women shall also be followed for the next term or two terms of election, as the case may be, in these cases to complete three consecutive terms under the same system.

- (2) After Form B, insert the following Schedule:

**“FIRST SCHEDULE**

**Roster for reservation of seats for the Scheduled castes and Scheduled Tribes by rotation**

[See rule 3(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	Seats to be reserved in 3rd term of General Election
(1)	(2)	(3)	(4)
1	1	2	3
2	1,4	2,5	3,6
3	1,4,7	2,5,8	3,6,9
4	1,4,7,10	2,5,8,11	3,6,9,12
5	1,4,7,10,13	2,5,8,11,14	3,6,9,12,15
6	1,4,7,10,13,16	2,5,8,11,14,17	3,6,9,12,15,18
7	1,4,7,10,13,16,19	2,5,8,11,14,17,20	3,6,9,12,15,18,21
8	1,4,7,10,13,16,19,22	2,5,8,11,14,17,20,23	3,6,9,12,15,18,21,24
9	1,4,7,10,13,16,19,22, 25	2,5,8,11,14,17,20,23,26	3,6,9,12,15,18,21,24,27
10	1,4,7,10,13,16,19,22, 25,28	2,5,8,11,14,17,20,23, 26,29	3,6,9,12,15,18,21,24, 27,30
11	1,4,7,10,13,16,19,22, 25,28,31	2,5,8,11,14,17,20,23, 26,29,32	3,6,9,12,15,18,21,24, 27,30,33

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	Seats to be reserved in 3rd term of General Election
(1)	(2)	(3)	(4)
12	1,4,7,10,13,16,19,22, 25, 28,31,34	2,5,8,11,14,17,20,23, 26,29, 32,35	3,6,9,12,15,18,21,24,27,30, 33,36
13	1,4,7,,10,13,16,19,22, 25,28, 31,34,37	2,5,8,11,14,17,20,23, 26,29, 32,35,38	3,6,9,12,15,18,21,24,27,30, 33,36,39
14	1,4,7,10,13,16,19,22, 25,28, 31,34,37,40	2,5,8,11,14,17,20,23, 26,29, 32,35,38,41	3,6,9,12,15,18,21,24,27,30, 33,36,39,42

**Note 1.** *If the total number of seats or constituencies to be reserved exceeds 14, additional seats or constituencies may be reserved following the same sequential order.*

**Note 2.** *The serial number shown under columns 2, 3 and 4 should match the sequential position of the seats or constituencies enlisted in descending order of percentage of the Scheduled Castes or the Scheduled Tribes under rule 3."*

(3) in the Schedule, containing 'Roster for Reservation of Seats for Women by Rotation' for the words "Schedule" in the heading, *substitute the words "SECOND SCHEDULE".*

By order of the Governor,

A. K. PATRA,  
Joint Secretary to the Govt. of West Bengal.