

Panaji, 31st March, 2023 (Chaitra 10, 1945)

SERIES II No. 52

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

EXTRAORDINARY

GOVERNMENT OF GOA

Goa State Election Commission

Order

No. 4/30/RES/2022-23/SEC/6170

Subject: Reservation of seats for ensuing General Elections to Ponda Municipal Council and Sanquelim Municipal Council 2023.

Whereas, the Government of Goa vide the Goa Municipalities (Amendment) Act, 2022 amended Section 10 of the Goa Municipalities Act, 1968, and entrusted the task of fixing the number and extent of the wards into which Municipal area shall be divided and reservation of seats in Municipal Council to the State Election Commission in consultation with the Government.

And whereas, the State Election Commission completed the process of delimitation of wards of Ponda Municipal Council and Sanquelim Municipal Council and the same was published vide order dated 27-3-2023.

And whereas, The State Election Commission carried out process of reservation of seats for ensuing General Elections to Ponda Municipal Council and Sanquelim Municipal Council 2023 considering following points:

1. The provisions of Section 9 and Section 10 of the Goa Municipalities Act, 1968 and the directions issued by Hon'ble Supreme Court of India from time to time.
2. The data of last preceding census i.e census 2011 is taken for determining the total population of the Municipal Council.

3. The percentage of Community population i.e. SC, ST and number of seats to be reserved for them is determined from the last preceding census data i.e census 2011. The number of seats, if any, to be reserved for the Scheduled Castes, Scheduled Tribes so that such number shall bear as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes, Scheduled Tribes in the municipal area bears to the total population of that area.
4. As per directions of Hon'ble Supreme Court, the community reservation i.e. SC, ST and OBC taken together should not be more than 50% of the total seats in every Municipal Council.
5. For Sanquelim Municipal Council, wards are reduced from 13 to 12. The delimitation of Municipal wards for Sanquelim Municipal Council for ensuing General Elections 2023 has been done de novo and therefore the reservation is carried out a fresh.
6. Hon'ble Supreme Court, passed a judgment decided on 10-5-2022 in the matter of Suresh Mahajan Vs State of Madhya Pradesh and Ors., wherein the Apex Court referred the triple test formality for OBC reservation in local bodies as specified in the Judgment in the matter of Vikas Kishanrao Gawali Vs State of Maharashtra, directed that "until the triple test formality is completed" in all respects" by the State Government, no reservation for Other Backward Classes can be provisioned; and if that exercise cannot be completed before the issue of election programme by the State Election Commission, the seats (except reserved for the Scheduled Castes and Scheduled Tribes which is a constitutional requirement), the rest of the seats must be notified as for the General Category".

And whereas, the Goa State Election Commission, requested the State Government to provide the data with regards to the Other Backward Classes (OBCs) in Ponda and Sanquelim Municipal Council in compliance with the directions of the Hon'ble Supreme Court.

And whereas, the Goa State Commission for Backward Classes, Altinho, Panaji-Goa vide its letter dated 24-03-2023, submitted the report/recommendations with regards to the reservation of seats for Other Backward Classes for ensuing General Elections to Ponda Municipal Council and Sanquelim Municipal Council 2023 and informed the following:

- a) The State Government instructed Goa State Commission for Backward Classes (GSCBC) to conduct contemporaneous rigorous empirical inquiry into the nature and implications of the backwardness with regards to Other Backward Classes (OBCs) within the Ponda and Sanquelim municipal area and to specify the proportion of reservation required to be provisioned for OBCs for the purpose of reservation of seats to OBCs in the ensuing General Elections to Ponda Municipal Council and Sanquelim Municipal Council.
- b) GSCBC, vide their letter No. GSCBC/Gen. municipal Election-46/2023-24/428 dated 24-03-2023 informed that it has conducted contemporaneous rigorous empirical inquiry into the nature and implications of the backwardness with regards to Other Backward Classes (OBCs) within the Ponda and Sanquelim municipal area through rigorous process which included examination by GSCBC the data submitted by the Government and collated additional data obtained by the Commission in respect of the past elections of the Municipal Council and details of previous elected members belonging to the OBC Community.
- c) The GSCBC has also analyzed the data in respect of these Municipal Councils and assessed the backwardness of OBC community identified in the Ponda and Sanquelim Municipal Council in respect to their past representations, dominance, empowerment etc. vis-a-vis the necessity of reservation after holding discussions with the stakeholders/representatives wherever required. The Commission has further stated that it has also analyzed the data of Ponda and Sanquelim Municipal Council wise taking into consideration the population of the Ponda and Sanquelim Municipal Council as the OBC and

other relevant data and has made recommendations for reservation of wards in that particular Municipal Council for the ensuing General Elections to Ponda Municipal Council and Sanquelim Municipal Council 2023 in compliance with the triple test criteria laid down by Hon'ble Supreme Court.

And whereas, the Goa State Election Commission examined the report/recommendations of the Goa State Commission for Backward Classes (GSCBC) with regards to the backwardness of the OBCs in Ponda Municipal Council and Sanquelim Municipal Council and observed that GSCBC has considered the Municipal Council population as per Census 2011 as a base and collected the caste wise empirical data for OBCs. The GSCBC has indicated the percentage of OBCs in Municipal Council, percent of backwardness among the OBC population, percent of backward OBCs to the total population and recommended the seats to be allotted for OBCs in Ponda Municipal Council and Sanquelim Municipal Council.

And whereas, as per 2011 Population Census, the total population of Ponda Municipal Council is 22664, out of which SC population is 264 i.e. 1.16% of total population and ST population is 113 i.e. 0.49% of total population. Similarly total population of Sanquelim Municipal Council is 13651 out of which SC population is 160 i.e. 1.17% of the total population and ST population is 91 i.e. 0.6% of the total population. Considering the ratio of SC, ST population to the total population, no seats are reserved in Ponda and Sanquelim Municipal Council for Scheduled Castes and Scheduled Tribes.

And whereas, considering the de novo delimitation process for wards of Sanquelim Municipal Council, the provisions of Section 9 and Section 10 of the Goa Municipalities Act, 1968 and the third condition specified in the triple test specified by Hon'ble Supreme Court i.e. "In any case such reservation shall not exceed aggregate of 50% of the total seats reserved in favour of SCs/STs/OBCs taken together" the Goa State Election Commission proposed to reserve the seats for Other Backward Classes (OBCs) and Women for ensuing General Election to Ponda Municipal Council and Sanquelim Municipal Council 2023.

And whereas, vide its file dated 27th March, 2023, the State Election Commission submitted the recommendations of the Goa State Commission for Backward Classes (GSCBC) with regards to the backwardness of the OBCs to State Government for seeking the approval to be conveyed that the triple test formality is complete in all respect by the State

Government as per the judgment of the Hon'ble Supreme Court in the matter of Vikas Kishanrao Gawali Vs State of Maharashtra and also the reservation of wards of Ponda and Sanquelim Municipal Council for the consultation of the State Government and for comments if any.

And whereas, the State Government returned back the reservation proposal after completing the consultation process and conveyed its approval for the recommendations of the Goa State Commission for Backward Classes (GSCBC) with regards to the

backwardness of the OBCs in Ponda and Sanquelim Municipal Council.

Now therefore, the State Election Commission in exercise of the powers conferred upon it do hereby notify the reservation of seats for ensuing General Elections to Ponda Municipal Council and Sanquelim Municipal Council 2023 as per the order annexed to this order.

W. V. Ramanamurthy, IAS (Retd.), Commissioner (Goa State Election Commission).

Altinho, Panaji, 31st March, 2023.

Order

No. 4/30/RES/2022-23/SEC/6171

In exercise of the powers under sub-section (1) of Section 10 of the Goa Municipalities Act, 1968, I, *W. V. Ramanamurthy*, IAS (Retd.), Commissioner of Goa State Election Commission, Panaji-Goa hereby determine that seats shall be reserved for Women, Scheduled Castes (SC), Scheduled Tribes (ST) & Other Backward Classes (OBC), in different Wards of Municipal Councils for the purpose of ensuing Municipal Elections as per details specified herein:-

Reservation of seats for Women, SC, ST and OBC

Sr. No.	Municipal Council	Women	SC	ST	OBC
1.	Ponda	3, 8, 10, 11, 15	—	—	5, 10
2.	Sanquelim	2, 6, 11, 12	—	—	10, 11

W. V. Ramanamurthy, IAS (Retd.), Commissioner (Goa State Election Commission).

Altinho, Panaji, 31st March, 2023.

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Published and Printed by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE—Rs. 3.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—476/100—04/2023.