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OFFICIAL GAZETTE



GOVERNMENT OF GOA

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EXTRAORDINARY

No. 6

GOVERNMENT OF GOA

Goa State Election Commission

Order

No. 4/43/RES/2023-24/SEC/1443

Subject:- Reservation of seats for ensuing General Elections to Village Panchayat of Taleigao in Tiswadi Taluka.

Whereas, the Directorate of Panchayat, Government of Goa vide letter dated 04-01-2024 informed that the term of office of the elected members of Village Panchayat Taleigao (for which General Election was held on 28-04-2019) commenced on 09-05-2019 i.e. the date of appointed for the 1st meeting of the Panchayat in terms of Section 43(1) of the Goa Panchayat Raj Act, 1994 and the term will expire on 08-05-2024 after completing 5 years.

And whereas, as per Section 237 (1) of the Goa Panchayat Raj Act, 1994 the State Election Commission is vested with the power of Superintendence, direction and control of the preparation of electoral rolls and Conduct of all elections to the Panchayats or Zilla Panchayats.

And whereas, as per Article 243 E(3) of the Constitution of India an Election to constitute a Panchayat shall be completed before the expiry of its duration.

And whereas, the Government of Goa vide the Goa Panchayat Raj (Amendment) Act, 2021 (Goa Act 32 of 2021) amended Section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) and entrusted the task of dividing the each Panchayat

area into wards and reservation of seats in every Panchayat to the State Election Commission in consultation with the Government.

And whereas, the State Election Commission completed the process of delimitation of wards for ensuing General Election to Village Panchayat Taleigao 2024. The notification in this regard was issued vide Notification No. 4/40/DEL/2023-24/SEC/1428 dated 22-03-2024.

And whereas, the State Election Commission carried out the process of reservation of seats for ensuing General Election to Village Panchayat Taleigao 2024 considering following points:

1. The Provisions of Section 7 Goa Panchayat Raj Act, 1994 and Rules and the directions issued by Hon'ble Supreme Court of India from time to time.

2. As per sub-section 8 of Section 7 of the Goa Panchayat Raj Act, 1994 and Rules, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures of have been published, but where figures of census are not available, the population shall be ascertained from other relevant authenticated records maintained by the Government. Since the last preceding census data i.e. census 2011 is published, the same is considered for determining the total population of the Village Panchayat Taleigao.

3. The percentage of Community population i.e. SC, ST and the number of seats to be reserved for them is determined from the last preceding census data i.e. census 2011 and as per Section 7 (4) of the Goa Panchayat Raj Act, 1994.

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 Village Panchayat.

5. As per sub-section (6) of Section 7 the Goa Panchayat Raj Act, 1994 and Rules the seats reserved for SC, ST and Women are allotted by rotation to different wards in the Village Panchayat.

6. Judgement of Hon'ble Supreme Court in the matter *Vikas Kishanrao Gawali Vs State of Maharashtra*, wherein the Apex Court specified the triple test formality for OBC reservation in local bodies and 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 vide letter dated 10-01-2024 requested the State Government to provide the data with regards to the Other Backward Classes (OBC) in Village Panchayat Taleigao in compliance with the directions of the Hon'ble Supreme Court.

And whereas, the State Government vide its letter No. 19/DP/Election Taleigao/2024-2025/2702 dated 15-03-2024, submitted the report/recommendations of the Goa State Commission for Backward Classes (GSCBC) with regards to the reservation of seats for Other Backward Classes for ensuing General Elections to Village Panchayat Taleigao and informed the following:

a) The Government instructed Goa State Commission for Backward Classes (GSCBC) to conduct contemporaneous rigorous empirical inquiry into the nature and implications of the backwardness qua local body, in respect of Village Panchayat Taleigao and to specify the proportion of reservation required to be provisioned in Village Panchayat Taleigao.

b) Goa State Commission for Backward Classes, vide their letter No. GSCBC/Election/2023-45(part file)/379 dated 27-02-2024 informed that it has conducted contemporaneous rigorous empirical inquiry into the nature and implications of the backwardness qua local bodies, for the purpose of reservation of seats in local bodies for ensuing General Elections to Village Panchayat Taleigao of Tiswadi Taluka 2024 through rigorous process which

included examination by Commission the data submitted by the Government and collated additional data obtained by the Commission in respect of the past elections of the Village Panchayat and details of previous elected members belonging to the OBC Community.

c) The Goa State Commission for Backward Classes has also analyzed the data in respect of Village Panchayat Taleigao and assessed the backwardness of OBC community identified in the Village Panchayat in respect to their past representations, dominance, empowerment, literacy status, financial barriers etc. vis-a-vis the necessity of reservation after holding discussions with the stakeholders/representatives wherever required. The Commission has also analyzed the data taking into consideration the population of the Village Panchayat as well as the OBC and other relevant data and has made recommendations for reservation of OBC seats in compliance with the triple test criteria laid down by Hon'ble Supreme Court.

And whereas, the 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 Village Panchayat Taleigao and observed that GSCBC has considered the Village 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 Village Panchayat, Percent of backwardness among the OBC population, percent of backward OBCs to the total population and recommended the number of seats to be allotted for OBCs in Village Panchayat Taleigao in Tiswadi taluka.

And whereas, considering the provisions of Section 7 Goa Panchayat Raj Act, 1994 and Rules and third condition specified in the Triple test 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 State Election Commission Goa proposed to reserve the seats for different communities and Women for ensuing General Elections to Village Panchayat Taleigao-2024.

And whereas, the State Election Commission Goa vide its file 4/43/RES/2023-24/SEC/Part/1430 dated 22-03-2024 submitted the proposed reservation of seats for ensuing General Elections to Village Panchayat Taleigao-2024 to the State Government for consultation and comments if any. The State Government returned back the said

reservation proposal to the State Election Commission on 27-03-2024 after completing the consultation process.

Now therefore, State Election Commission Goa in exercise of the powers conferred upon it do hereby notify the reservation of seats for ensuing General

Elections to Village Panchayat Taleigao in Tiswadi taluka in North Goa district as per the notification No. 4/43/RES/2023-24/SEC/1444 dated 27-03-2024.

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

Altinho, Panaji, 27th March, 2024.

Notification

No. 4/43/RES/2023-24/SEC/1444

In exercise of the powers conferred by sub-sections 4, 5 and 6 of Section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) (hereinafter called the "said Act"), the Goa State Election Commission taking into account the population of the Scheduled Castes and Scheduled Tribes in the Panchayat as specified in Column No. 2 of the Schedule appended hereto, and the data provided by the Goa State Commission for Backward Classes with regards to backwardness of Other Backward Classes (OBC) hereby reserves the wards for the persons belonging to the Scheduled Castes (SC) Scheduled Tribes (ST), Other Backward Classes (OBC) and Women as specified in the corresponding entries in Column No. 4, Column No. 5 and Column No. 6 and Column No. 7 respectively of the said Schedule for the General Election to Taleigao Village Panchayat in Tiswadi taluka, North Goa District in the State of Goa.

This Notification shall have effect for the purpose of ensuing General Election to Taleigao Village Panchayat in Tiswadi Taluka, North Goa District in the State of Goa.

Sr. No.	Name of the Village Panchayat	Total number of wards in Village Panchayat	Serial number of wards reserved for Scheduled Caste	Serial number of wards reserved for Scheduled Tribes	Serial number of wards reserved for Backward Classes	Serial number of wards reserved for Women
1	2	3	4	5	6	7
Tiswadi Taluka						
1	Taleigao	11	—	5	1	3, 4, 6, 9

W. V. Ramanamurthy, IAS (Retd.), Commissioner, Goa State Election Commission.
 Altinho, Panaji, 27th March, 2024.

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