

GOVERNMENT OF PUDUCHERRY
ABSTRACT

Local Administration – Local Body Elections – Reservation for OBC – Constitution of a Single Member Commission – Appointment of a retired Judge of the Hon'ble High Court of Judicature at Madras – Terms and Conditions of the Commission – Notification - Orders – Issued.

LOCAL ADMINISTRATION SECRETARIAT

G.O.Ms.No.67/LAS/2021

Puducherry, dated: 17.12.2021

READ: File No.1299, dated 02.12.2021 of the Hon'ble Lieutenant-Governor's Secretariat, Government of Puducherry.

ORDER:

The following Notification shall be published in the Official Gazette of the Government of Puducherry.

NOTIFICATION

WHEREAS, Article 243-D and 243-T of the Constitution provides for reservation of seats for Scheduled Castes / Scheduled Tribes;

AND WHEREAS, Article 243-D (6) and 243-T (6) of the Constitution enables the State Government to provide for reservation of seats in Local Bodies in favour of backward class of citizens;

AND WHEREAS, the Government of Puducherry has already provided reservation to the Scheduled Castes and in respect of backward classes provision has been made under sub-section (8) of section 9 of the Puducherry Municipalities Act, 1973 and under sub-section (8) section 11 of the Puducherry Village and Commune Panchayats Act, 1973;

AND WHEREAS, the Hon'ble Supreme Court in its Order, dated 11th May, 2010 in W.P.(C) No.356 of 1994 in **K. Krishnamurthy and Others Vs. Union of India** had held that the upper ceiling of 50% vertical reservations in favour of SC/ST/OBC should not be breached in the context of Local Self Government and emphasized for collection of empirical data to fix quantum of reservation;

AND WHEREAS, the Hon'ble Supreme Court in its Order, dated 08th May, 2018 in the Civil Appeal Nos.4994-4995 of 2018 in the **Chief Secretary, Government of Puducherry Vs. J. Anandalakshmi and Others** had held that both the Constitutional position as well as the State Act make it clear that the reservation for Scheduled Castes and Scheduled Tribes is based on population, whereas if provision has to be made for backward classes, it is left to the States to do so, if they so desire;

AND WHEREAS, the Hon'ble Supreme Court in its Judgement, dated 04th March, 2021 in W.P.(C) No.980 of 2019 and W.P.(C) No.981 of 2019, W.P.(C) No.1408 of 2019 and W.P.(C) No.743 of 2020 in **Vikas Kishanrao Gawali Vs. State of Maharashtra and Others** had emphasized that reservation for OBC shall be followed by the recommendations of a dedicated commission set up to conduct contemporaneous rigorous empirical enquiry into the nature and implication of the backwardness *qua* local bodies, within the State;

AND, WHEREAS, various public interest litigations have been filed before the Hon'ble First Bench of the High Court of Judicature at Madras in W.P.Nos.21067, 21117 and 21708 of 2021 and W.M.P. Nos.22326, 22327, 22383, 22382, 22890 and 22891 of 2021 against the Government of Puducherry, State Election Commission and the Local Administration Department of Puducherry and the Hon'ble High Court has ordered in those cases to carry out the Elections as expeditiously as possible in terms of the Order of the Hon'ble Supreme Court in Contempt Petition No.2364 of 2021, dated 05th April, 2021 and the Hon'ble High Court had also granted permission to issue fresh Election notifications rescinding the earlier notifications in G.O.Ms.No.47/LAS/2019, dated 07th March 2019 and G.O.Ms.No.48/LAS/2019 dated 07th March 2019 of the Local Administration Secretariat, Puducherry;

NOW THEREFORE, the Lieutenant-Governor, Puducherry is pleased to constitute a Single Member Commission by appointing Justice Mr. K. K. Sasidharan, a Retired Judge of the Hon'ble High Court of Judicature at Madras to recommend appropriate reservation for Other Backward Classes within a period of six months with the following:

TERMS OF REFERENCE

- (1) To conduct contemporaneous rigorous inquiry into nature and implications of the other backwardness *qua* local bodies, within the Union territory of Puducherry;
- (2) To ascertain the proportion of population of Other Backward Class of citizens, in rural areas i.e., Village / Taluk / Districtwise and in urban areas i.e., Wardwise in Municipal Council / Commune Panchayats and Village Panchayats in the Union territory of Puducherry, on the basis of records, reports, survey and other available data;
- (3) To investigate such other matters as the Government may hereinafter refer to the Commission in this context;
- (4) To submit a report to the Government by recording the facts and observations and thereby making suitable recommendations;

Further the Commission may-

- (a) obtain such information or statistics as considered necessary for the purpose of the Commission in such form and manner as it deems appropriate from various authorities, organizations or individuals as may in the opinion of the Commission be of assistance;
- (b) avail opinion of experts and researchers by holding meetings with them and also get assistance of research institutions as and when felt necessary for analysis of the empirical data and also for the efficient and qualitative functioning of the Commission;
- (c) visit such parts of the Union territory of Puducherry as it may be deemed necessary or convenient for obtaining any information or data or documents or otherwise;
- (d) record the evidences and contentions lead by the individuals as and when found necessary during the course of investigation;
- (e) to determine the quantum of reservation required to be provided local body wise and in any case such reservation shall not exceed aggregate of 50 per cent of the total seats reserved in favour of SCs/ STs/OBCs taken together;
- (f) the Commission may also take a decision as deemed necessary for arriving at reasonable conclusions to achieve the objects of reservation;

The Secretariat (LA) shall arrange to provide necessary infrastructure including staff and funds to the Commission for the above said purpose.

Justice Mr. K. K. Sasidharan, Judge (Retired), High Court of Judicature at Madras, per month, shall be paid with a salary equivalent to the salary last Pay drawn minus Pension. An air conditioned Innova Car will be provided to Justice Mr. K. K. Sasidharan, till the submission of the report to the Government.

// BY ORDER OF THE LIEUTENANT-GOVERNOR//


(RAVIDEEP SINGH CHAHAR)
JOINT SECRETARY TO GOVERNMENT
(LOCAL ADMINISTRATION)

To

The Director,
Department of Stationery & Printing, -- With a request to publish the Notification in the
Puducherry Official Gazette of Puducherry.

Copy to:

1. Justice Mr. K. K. Sasidharan, Judge (Retired), High Court of Madras.
2. The Secretary to Hon'ble Lieutenant-Governor, Puducherry.
3. The Secretary to Hon'ble Chief Minister, Puducherry.
4. The Chief Secretary to Government of Puducherry.
5. The Secretary to Government (LAW), Puducherry.
6. The Secretary to Government (Local Administration), Puducherry.
7. The State Election Commissioner, State Election Commission, Puducherry.
8. All Secretaries to Government of Puducherry.
9. All Joint Secretary / Deputy Secretary / Under Secretary to Government, Chief Secretariat, Puducherry.
10. The District Collector, Puducherry / Karaikal.
11. The Regional Administrator, Mahe / Yanam.
12. The Inspector General of Police, Puducherry.
13. The Deputy Inspector General of Police, Puducherry / Karaikal.
14. The Superintendent of Police, Puducherry.
15. The Revenue Officer / Thasildar / Deputy Thasildar / Revenue Inspector.
16. All Heads of Departments / Offices.
- ✓ 17. The Director, Department of Information Technology, Puducherry -- With a request to upload this Notification in the official web site of the Government of Puducherry.
18. The Director, Local Administration Department, Puducherry.
19. The Deputy Director (MA) / (RD), LAD, Puducherry.
20. The Deputy Director, LAD, Karaikal.
21. The Programmer, EDP Section, L.A.D., Puducherry -- It is instructed to host this Notification in the Official Website of the Local Administration Department.
22. The Principal Accountant General, TN & PDY, Chennai – 35.
23. The Deputy Accountant General, DAT Complex, Puducherry – 11.
24. The Finance Department, Puducherry.
25. The Director of Accounts & Treasuries, Puducherry.
26. The Deputy Director of Accounts & Treasuries, Karaikal / Mahe / Yanam.
27. The Chairman, Backward Classes Commission.
28. All Commissioners of Municipalities / Commune Panchayats.
29. The Central Record Branch, Puducherry.
30. Stock file copy / Spare copy.

JOINT SECRETARY TO GOVERNMENT (LA)