

GOVERNMENT OF KARNATAKA

No: RDPR 339 ZPS 2022
Multistoried building,

Karnataka Government Secretariat,
Bangalore, Dated:21.09.2023.

NOTIFICATION

Where as the draft of the Karnataka Gram Swaraj and Panchayat Raj (Reservation of seats in Taluk Panchayat and Zilla Panchayat by Rotation) Rules 2022, which the Government of Karnataka proposes to make rule in exercise of the powers conferred by sections 123 and 162 read with section 311 of the Karnataka Gram Swaraj and Panchayat Raj Act 1993 (Karnataka Act 14 of 1993) was published as required under sub-section (1) of section 311 of the said Act, was published in official Gazette vide notification no:RDPR 339 ZPS 2022, dated:21.10.2022. Calling for objection or suggestions from the public, if any and to submit the same with in 15 days from the date of publication in the official gazette. And where as objections or suggestion received till the last date have been considered as per law.

Now, in exercise of the powers conferred under section 311 of the Karnataka Gram Swaraj and Panchayat Raj Act 1993(Karnataka Act of 14) the Government of Karnataka is hereby make the following rules:-

RULES

1. Title and commencement.-

(1) These rules are called as The Karnataka Gram Swaraj and Panchayat Raj (Reservation of seats in Taluk Panchayat and Zilla Panchayat by Rotation) Rules, 2023.

2. Definitions .- (1) In these rules unless the context otherwise requires,- a. ‘Act’ means the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993);

b. ‘Census figures’ means the last preceding census report published by the office of the Registrar General and Census Commissioner of India, under the provisions of the Census Act, 1948 (Central Act 37 of- 1948);

c. ‘Commission’ means the State Election Commission as defined under section 308;

d. ‘Delimitation’ means the re-adjustment of boundaries of the constituencies and re-adjustment or determination of seats to the Taluk and Zilla Panchayat on the basis of the Census figures; e. ‘Horizontal Reservation’ means the number of seats to be

reserved for women in each category including unreserved seats; f. ‘Seats’ means the constituencies of Taluk Panchayat and Zilla Panchayat; and

g. ‘Section’ means section of the Act.

(2) Other words and expressions used in these rules, and not defined, but defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. Reservation of seats in each Taluk Panchayat by rotation.-

(1) The number of seats in each Taluk Panchayat for each of the reserved and un-reserved categories of seats, seats for women in both reserved and un-reserved category shall be determined in accordance with section 123 of the Act.

(2) The reservation of seats among the constituencies in each Taluk Panchayat area shall as nearly as may be, made by rotation in regular succession in the order of rotation specified in sub-rule (3).

(3) The reservation of seats in each Taluk Panchayat shall be made by taking into consideration with the following matters, namely:-

(a) The rotation of reservation of category by succession in each

territorial constituency shall be determined by taking into consideration the reservation made after the commencement of these rules.

(b) The Government shall prepare the chart, in a descending order of the constituencies having the highest percentage of population of the Scheduled Tribes with reference to the population of the taluk;

(c) The Government shall prepare a chart, in descending order of the constituencies having the highest percentage of population of the Scheduled Castes with reference to the population of the taluk;

(d) The seats reserved for persons belonging to Scheduled Tribes shall thereafter be determined by the Government by following rotation of seats having the highest percentage of population of the Scheduled Tribes with reference to population of the taluk.

However by ensuring that if the said constituency had been determined for the Scheduled Tribes seat previously, the same shall not be repeated in the next succeeding election and the reservation for the Scheduled Tribes shall flow down to the next seat having highest percentage of population of the Scheduled Tribes and subject to the terms and conditions as specified in sub-rule (1);

(e) For allotting the seats to women from the Scheduled Tribes (Horizontal Reservation), the Government shall allot the same to the constituency having the highest population of women

belonging to the Scheduled Tribes from among the constituencies eligible for allotment of the Scheduled Tribes seat;

(f) The seats reserved for persons belonging to the Scheduled Castes shall thereafter be determined by the Government by following rotation of seats having the highest percentage of population of the Scheduled Castes with reference to population of the taluk, however by ensuring that if the said constituency had not been determined for the Scheduled Castes seat previously, the same shall not be repeated in the next succeeding election and the reservation for the Scheduled

Castes shall flow down to the next seat having highest percentage of population of the Scheduled Castes and subject to the terms and conditions specified in subrule(1);

(g) For allotting the seats to women from the Scheduled Castes (Horizontal Reservation), the Government shall allot the same to the constituency having the highest population of women

belonging to the Scheduled Castes from among the constituencies eligible for allotment of the Scheduled Castes seat;

(h) If upon allotment of reservation for the Scheduled Tribes and the Scheduled Castes in Taluk Panchyat, the aforesaid reservation reached or exceeds fifty percent, then in such event, the Government shall not allot any reservation to the Backward Classes, Schedule Castes and Schedule Tribes in such Taluk

Panchyath; and the same shall be treated as General;

(i) Subject to provisions as under clause (h), the seats reserved for Backward Classes in Taluk Panchyats be allotted by the Government by rotation as far as practicable: Provided that, where a constituency had been allotted for Backward Classes-A or Backward Classes-B seat previously, then the same sub-

category reservation shall not be repeated in the next succeeding election.

- (j) The seats reserved for women in the Backward Classes shall be allotted by rotation by the Government after taking into consideration such factors as far as practicable;
- (k) After completing of the steps set out here in above,- for reserving the seat to women from unreserved seats (General), the Government shall allot or reserve the same to the constituency having the highest population of women in the total population of the Constituency:

Provided that, as far as possible, the same shall not be repeated in the next succeeding election.

- (l) The seats reserved for women in each category and including the seats reserved for women from amongst the unreserved seats, shall as far as possible not be repeated in the next succeeding election and any such reservation for women in any of the reserved category or unreserved seats shall flow down to the next of the constituency having the highest percentage of population of women in the respective category or unreserved seats.

4. Reservation of seats in Zilla Panchayats by rotation.-

- (1) The number of seats in each Zilla Panchayat for each determination of the reserved and unreserved categories of seats, seats for women in both reserved and unreserved category shall be determined in accordance with the provisions of sections 162.

Out of the seats reserved for Scheduled Tribes in Zilla Panchayat, the Government shall allot one seat, belonging to the Scheduled Tribes to the each of Taluks based on highest Scheduled Tribes population by rotation:

Provided that, if the number of seats reserved for Scheduled Tribes are more than the number of Taluks in the district, then the remaining seats shall be allotted to the Taluks based on Scheduled Tribes population: (2) The seats reserved for Scheduled Castes shall be allotted to Taluks as per sub rule (1).

- (3) The Government shall mutatis mutandis apply the provisions of rule 3 for reservation by rotation of seats and other matters in Zilla Panchayats.

5. Factors affecting reservation due to merger with urban local bodies or de-notification, delimitation, division of district and taluk.- If in any delimitation of constituencies after the commencement of these rules,-

- a. The territorial constituency, which has the larger area of the earlier constituency, shall be deemed to the successor to the earlier one to carry forward the rotation under these rules;
- b. The constituency or constituencies formed out of one constituency, which is the smaller area of previous constituency or formed out of merger of smaller area of constituencies is to be rounded off, shall be a new constituency for which the reservation shall start afresh as under rule 3;
- c. The Constituency that is enlarged by addition of areas of another constituency or constituencies shall carry forward the rotation of constituency of the previous constituency to which additions are made; and
- d. The Constituency formed by the merger of two or more constituencies shall carry forward the reservation of the larger constituency by area among them.

6. Notification of reservation of Constituencies.-

- (1) The Government shall prepare a draft notification of reservation of constituencies based on the final list prepared in accordance with rule 3 and publish in the official Gazette for calling

objections and suggestions from the public within ten days from the date of publication.

(2) The Government shall consider the objections received in respect of the draft notification and take suitable decision to accept or reject the objections.

(3) The Government shall thereafter publish a final notification of the reservation of constituencies in the Taluk Panchayat and Zilla Panchayat.

7. Power of the Government.- In respect of any matter which is not incorporated in these rules, the Government to formulate the same in accordance with these rules and the Constitution (Seventy-Third Amendment) Act, 1992.

8. Repeal and Savings- The Karnataka Panchayat Raj (Reservation of seats in Taluk Panchayats and Zilla Panchayats by Rotation) Rules, 2021 is hereby repealed:

Provided that the said repeal shall not affect,-

a. The previous operation of the said rules or anything duly done or any action taken there under; or

b. Any right, liability or obligation or liability acquired, accrued or incurred under the said rules.

By Order and in the name of the
Governor of Karnataka,
(DR|| N. Nomesk Kumar)
Director(PR) and ex-officio
Deputy Secretary to Govt
Rural Development and Panchayath Raj