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తెలంగాణ రాజపత్రము
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TELANGANA BILLS
TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 23rd February, 2019.

L. A. BILL No. 1 OF 2019.

A BILL FURTHER TO AMEND THE TELANGANA PANCHAYAT RAJ ACT, 2018.

Be it enacted by the Legislature of the State of Telangana in the Seventieth Year of the Republic of India, as follows:

1. (1) This Act may be called the Telangana Panchayat Raj (Amendment) Act, 2019.

(2) It shall be deemed to have come into force from 15-12-2018.

Short title
and
commence-
ment.

[1]

B. 250-1 (DA)

Insertion
of new
part.
Act No. 5
of 2018.

2. In the Telangana Panchayat Raj Act, 2018, after Part VIII, the following new Part shall be inserted, namely,—

“PART - VIII-A

SPECIAL PROVISIONS IN RESPECT OF RESERVATIONS FOR THE SEATS AND OFFICES IN GRAM PANCHAYATS, MANDAL PRAJA PARISHADS AND ZILLA PRAJA PARISHADS.

Reservation of seats and offices in Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads.

285A. In pursuance of the Judgments of the Supreme Court of India, the upper ceiling of 50 percent vertical reservations in favour of SCs/STs/OBCs should not be breached in the context of local self Government, and accordingly, notwithstanding anything contained in sections 9, 17, 146, 147, 175, 176 and elsewhere in the Act providing for reservation in favour of Scheduled Castes, Scheduled Tribes and Backward Classes, the seats and offices to be reserved for backward Classes shall be so determined, duly keeping in view the requirement of reservation in respect of SCs, STs therein, that the total number of seats/offices reserved for the SCs, STs and BCs shall not exceed 50 percent of the total number of seats or as the case may be the offices, in the respective local bodies, in the manner prescribed.”

Repeal of
Ordinance
2 of 2018.

3. The Telangana Panchayat Raj (Amendment) Ordinance, 2018 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Telangana Panchayat Raj Act, 2018 has been enacted by the Legislature of Telangana providing reservations of seats (wards) and offices in the Gram Panchayats, Mandal Praja Parishads and Zilla Praja Parishads in favour of members belonging to the Scheduled Tribes/ Scheduled Castes on the basis of proportionate percentage of their population in the State to the total number of seats and offices.

The Act also provides that the number of seats and offices reserved for backward classes shall not be less than thirty four percent of the total number of offices of the members in such Panchayat Raj bodies in the State.

As per the judgments of the Hon'ble Supreme Court of India, the total reservations in favour of Scheduled Tribes, Scheduled Castes and Backward Classes shall not exceed 50% of the seats/offices in the local bodies in the State.

Further, in a Writ Petition filed in Hon'ble High Court for the State of Andhra Pradesh and Telangana, the High Court directed to complete the election process for the members of Gram Panchayats and offices of the Sarpanches in the Gram Panchayats within three months from 11.10.2018. The State Government filed SLP against the said order of the High Court and the Hon'ble Supreme Court of India dismissed the same as withdrawn.

So as to be in consonance with the Judgment of the Hon'ble Supreme Court of India and the High Court, and the election to the Panchayat Raj Bodies are to be conducted immediately. As per the directions of the High Court, it has been decided to provide a Special Part restricting the reservations to a maximum of 50% of the total number of seats and offices in the local bodies, duly keeping in view the requirement of reservations in favour of Scheduled Tribes/Scheduled Castes.

As the Legislature of the State was not then in session and it has become imperative for the Government to implement and said decision immediately, the Telangana Panchayat Raj (Amendment) Ordinance, 2018 (Telangana Ordinance No. 2 of 2018) has been promulgated by the

Governor on the 15th December, 2018 and the same has been published in the Telangana Gazette dated the 15th December, 2018.

This Bill seeks to replace the said Ordinance.

ERRABELLI DAYAKAR RAO,
Minister for PR&RD, RWS.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill authorises the Government to issue notification or to make in respect of matters specified therein and generally to carry out the purposes of the Act. All such rules so made or notifications issued which are intended to cover matters mostly of procedural in nature are to be laid on the Table of the Legislature of the State and will be subject to any modifications made by the State Legislature.

The above provision of the Bill regarding Delegated Legislation is thus of normal type and is mainly intended to cover matters of procedure.

ERRABELLI DAYAKAR RAO,
Minister for PR&RD, RWS.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND THE CONDUCT OF BUSINESS IN
THE TELANGANA LEGISLATIVE ASSEMBLY.**

The Telangana Panchayat Raj (Amendment) Bill, 2019, after it is passed by the Legislature of the State may be submitted to the Governor for his assent under article 200 of the Constitution of India.

ERRABELLI DAYAKAR RAO,
Minister for PR&RD, RWS.

Dr. V. NARASIMHA CHARYULU,
Secretary to State Legislature.