

The M.P. Municipalities (Reservation of Wards for Scheduled Castes, Scheduled Tribes, Other Back Ward Classes and Women) Rules, 1994

MADHYA PRADESH

India

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Rule

THE-M-P-MUNICIPALITIES-RESERVATION-OF-WARDS-FOR-SCHEDULED CASTES, SCHEDULED TRIBES, OTHER BACKWARD CLASSES AND WOMEN) RULES, 1994

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The M.P. Municipalities (Reservation of Wards for Scheduled Castes, Scheduled Tribes, Other Back Ward Classes and Women) Rules, 1994 Published vide Notification No. 835-18-3-94, dated 26-8-1994, M.P. Rajpatra (Asadharan) dated 26-8-1994 In exercise of the powers conferred by Section 433 read with Section 11 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and Section 355 read with Section 29-A of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), the State Government hereby, makes the following rules regarding reservation of wards in Municipal Corporations, Municipalities and Nagar Panchayat.

1. Short title and commencement.

(1) These rules may be called the Madhya Pradesh Municipalities (Reservation of Wards for Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women) Rules, 1994. (2) These rules shall apply to all the Municipalities. These Rules shall come into force with effect from the date of their publication in the "Madhya Pradesh Gazette."

2. Definitions.

- In these rules, unless the context otherwise requires, -(1) "Act" means Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) or Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961),

as the case may be;(2)"Section" means section of the Act;(3)"Municipality" means any Municipal Corporation constituted under Section 7 of the Madhya Pradesh Municipal Corporation Act, 1956 or any Municipality or any Nagar Panchayat constituted under Section 5 of the Madhya Pradesh Municipalities Act, 1961;(4)"Total number of wards" means the number of wards determined by the State Government under sub-section (1) of Section 10 of the Madhya Pradesh Municipal Corporation Act, 1956 or under sub-section (1) of Section 29 of the Madhya Pradesh Municipalities Act, 1961, for any Municipal Corporation or Municipality or Nagar Panchayat, as the case may be.

3. [First time reservation of wards. [Substituted by Notification No. 856-XVIII-III-94, dated 13-9-1994.]

(1)Out of the total number of wards determined under sub-section (1) of Section 10 of the Madhya Pradesh Municipal Corporation Act, 1956 and sub-section (1) of Section 29 of the Madhya Pradesh Municipalities Act, 1961 such number of wards shall be reserved for Scheduled Castes and Scheduled Tribes in every' Municipality the proportion of which in the total number of wards determined for that municipality may be, as nearly as may be, the same which is to the Population of the Scheduled Castes or of the Scheduled Tribes in that municipality bears to the total population of that municipality and such wards shall be those in a descending order in which the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, is most concentrated.(2)As nearly as possible, twenty-five per cent of the total number of wards shall be reserved for other backward classes in such Municipalities, where out of the total number of wards fifty per cent or less in number wards are reserved for Scheduled Castes and Scheduled Tribes, and such wards shall be reserved by lot from the remaining wards excluding the wards, reserved for Scheduled Castes and Scheduled Tribes.(3)Out of the wards reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes, as above, [as nearly as possible fifty percent] wards for the women of the aforesaid castes, as the case may be, shall be reserved, by lot :Provided that where only one ward is reserved for the Scheduled Castes or Scheduled Tribes as the case may be, then in that case, such ward shall not be reserved for woman of Scheduled Castes or Scheduled Tribes, as the case may be.Explanation. - When the Collector declares any ward as unreserved under sub-section (2) of Section 11 of the Madhya Pradesh Municipal Corporation Act, 1956 or sub-section (2) of Section 29-A of the Madhya Pradesh Municipalities Act, 1961, then such unreservation shall be limited to that election only.(4)At the time of calculation under sub-rules (1), (2) and (3) fraction less than half shall be ignored and fraction equal to half or more shall be counted as one.(5)Reservation of wards for ladies shall be made by deriving lot of unreserved wards, in such number that comes after subtracting the number of wards reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes under sub-rule (3) from [as nearly as possible fifty percent] [Substituted for 'one-third' by Notification No. 18-F-1-16-07-XVIII-3, dated 3-9-2007.] in number of the total number of wards :Provided that the number of wards reserved for women, including the wards reserved for the women of Scheduled Castes, Scheduled Tribes and Other Backward Classes [shall be as nearly as possible fifty percent] [Substituted for 'shall not be less than one-third' by Notification No. 18-F-1-16-07-XVIII-3, dated 3-9-2007.] of the total number of wards.(6)The reservation made as aforesaid shall remain in force for the whole period of five years of Municipality including casual vacancies.]

4. Reservation of wards at the time of subsequent elections.

- For the purpose of every subsequent election, the same procedure of reservation shall be adopted, which is described in Rule 3 for the first time reservation. Provided that the reservations to be made by lot for the purpose of rotation, the wards which are earlier reserved for a category, shall not be included in the lot for the reservation of that category, until such ward does not come again in the serial of reservation.

5. Prescribed authority for reservation.

- The Authority prescribed by the State Government shall be authorised for making reservation of wards. The date on which the reservation is to be made by the prescribed authority a notice of that date, place and time shall be published in two local dairy news papers, having circulation in the area concerned and copy of notice shall be pasted on the Notice Board of the Collector's Office, on the Notice Board of the Office of the Municipality and on the conspicuous places of wards, so that the citizens those who wants to be present at the time of reservation process, may remain present. The Prescribed authority shall complete the reservation process in the presence of the citizen.

6. Reservation process to be recorded in writing.

- The Prescribed authority shall record in writing the process adopted for reservation and a register for every municipality shall be kept permanently in which it shall be mentioned that when and which wards have been reserved for which category, so that at the time of drawing lot for the subsequent elections, rotation system may be adopted in making reservations.

7. The prescribed authority to acquaint the State Government regarding reservation.

- Immediately after making the reservation of wards the Prescribed Authority shall send the information to this effect to the State Government and the State Government shall publish the list of reserved wards in the Madhya Pradesh Gazette and the list of reserved wards shall also be pasted on the Notice Board of the office of the Collector and the Municipality.

8. Repeal.

- As from the commencement of these rules, all rules, bye laws, instructions etc. if any, as prevails on the subject of reservation shall be repealed.