

BOMBAY VILLAGE PANCHAYATS (NUMBER OF MEMBERS, DIVISIONS OF VILLAGE INTO WARDS AND RESERVATION OF SEATS) RULES, 1966

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BOMBAY VILLAGE PANCHAYATS (NUMBER OF MEMBERS, DIVISIONS OF VILLAGE INTO WARDS AND RESERVATION OF SEATS) RULES, 1966

In exercise of the powers conferred by Sub-Section (1) and '[clause (ii-a) and (iii)] of Sub-section (2) of Section 176 read with clause (b) of Sub-Section (1) and sub-section (3) of Section 10 of the Bombay Village Panchayats Act, 1958 (Bom.III of 1959), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (4) of the said Section 176, namely :-

1. Short title :-

These rules may be called the BOMBAY VILLAGE PANCHAYATS (NUMBER OF MEMBERS, DIVISIONS OF VILLAGE INTO WARDS AND RESERVATION OF SEATS) RULES, 1966 .

2. Definitions :-

In these rules, unless the context otherwise requires, -

- (i) "Act" means the Bombay Village Panchayats Act, 1958 ;
- (ii) "population" in relation to a village means the population of that village as ascertained at the last preceding census [of which the relevant figures are available;
- (iii) "Section" means a section of the Act;
- (iv) "village chavdi" includes a place deemed to be a chavdi under the Bombay Land Revenue Code, 1879 or any law corresponding thereto in force in any part of the State.

2A. Number of members to be elected in panchayats :-

Subject to the provisions of clause (a) of sub-section (1) of Section 10, the number of members to be elected by direct election in each panchayat shall be decided on the basis of the population in a panchayat area, as specified in the table below :-

3. Divisions of village into wards and numbers of members to be elected form each ward :-

Subject to the provisions of sub-section (1) of Section 10 , a village shall be" divided into wards and number of members to be elected from each ward shall be fixed in accomance with the following principles, namely:

- (1) A village shall be divided into suitable number of wards so, however, that the ratio between the number of members to be elected from each ward and the population thereof shall as far as practicable, be the same throughout all the wards in a village:

Provided that, the localities in which the population of the Scheduled Castes or Scheduled Tribes is concentrated shall not, as practicable, be fragmented.

Provided further that, the geographical situation of a village shall be taken into consideration and geographical continuity of the area shall, as far as practicable, be followed

- (2) The wards shall be numbered serially in the directions commencing from south, south-west, west, north-west, north, north-east, east and south-east:

Provided that, if more than one ward is situated at one direction, then the ward nearest to the boundary of the village in the said direction shall be numbered as first, the ward adjacent to it as second and so on.

- (3) The number of members to be elected from each ward shall not be more than three and less than two.

- (4) Where the number of members to be elected to a village panchayat is divisible by the maximum number of

members to be elected from a ward under clause (3), then, equal number of members shall be allotted to all the wards of a village;

(5) If the number of members to be elected to a village panchayat is not divisible by the maximum number of members to be elected from a ward under sub-rule (3), there shall be allotted the maximum number of seats to the required number of wards and the minimum number of seats to the remaining wards:

Provided that, at the time of first election of maximum number of seats shall be from first ward and every subsequent election, till maximum number of seats have been allotted to every ward, from

4. Manner of allotment and rotation of seats reserved for Scheduled Castes and Scheduled Tribes :-

Subject to the provisions of clauses (a) and (b) of sub-section (2) of Section 10, the seats to be reserved for the Scheduled Castes and the Scheduled Tribes shall be allotted and rotated in accordance with the following principles, namely:-

(1) Where the number of seats to be reserved for the Scheduled Castes or as the case may be, the Scheduled Tribes and the number of wards in a village is the same, then there shall be allotted to such Castes, or as the case may be, the Tribes, one seat to every ward.

(2) Where the number of seats to be reserved for the Scheduled Castes or as the case may be, the Scheduled Tribes, is less than the number of wards in a village, then the seats shall be allotted in descending order beginning with a ward where the percentage of population of the Scheduled Castes or, as the case may be, the Scheduled Tribes with regard to the total population of such ward is the highest.

Provided that the seats to be reserved shall be rotated, in the subsequent elections, to the wards in the village in which no such seat has been reserved for such castes or Tribes until such reservation is given to the wards in the village, by rotation in which seats are admissible for such Castes or Tribes, having regard to the proportion of their population in those wards.

(3) Where the number of seats to be reserved for the Scheduled Castes or, as the case may be, the Scheduled Tribes is more than the number of wards in a village, then, with a view to securing representation to the members of such Castes or Tribes in as many wards as possible in the village, one seat shall be allotted to each ward for such Castes or Tribes and the remaining seats shall be allotted and rotated as provided in the proviso to sub-rule (2):

Provided that, the seats to be reserved for the Scheduled Castes or, as the case may be, the Scheduled Tribes under sub-rules (1), (2) and (3) shall be allotted and rotated only among the wards in which seats are admissible for such Castes or Tribes having regard to the proportion of their population in those wards.

(4) The allotment of seats as under sub-rules (1), (2) and (3) shall be made in such a way that at least one seat, as far as practicable, shall be kept unreserved in each ward.

Explanation:- While calculating the number of seats, the fraction of one-half or more of a seat shall be counted as one and the fraction of less than one-half shall be ignored.

4A. Manner of allotment and rotation of seats reserved for Backward Class of citizens :-

Subject to the provisions of clause (c) of sub-section (2) of Section 10, the seats to be reserved for Backward Class of citizens shall be allotted and rotated in accordance with the following principles, namely:-

(1) The seats to be reserved for the persons belonging to the category of Backward Class of citizens shall be allotted to the wards by drawing lots according to the instructions given by the State Election Commissioner from time to time:

Provided that, the seats to be reserved shall be rotated, in the subsequent elections, to the wards in the village in which no such seats have, in the previous elections been reserved for the category of Backward Class of Citizens, until such reservation is given by rotation to each of the wards in the village:

Provided further that, while drawing lots, the seats already reserved for Scheduled Castes and Scheduled Tribes shall be excluded.

(2) After allotment of seats of the Scheduled Castes, or, as the case may be, the Scheduled Tribes if number of seats left is less than the number of seats required to be reserved for the persons belonging to the category of Backward class of citizens then, the available number of seats shall be so allotted to such category at that at least one seat, as far as practical is left unreserved in each ward.

Explanation:- While calculating the number of seats the fraction of one-half or more of a seat shall be counted as one and the fraction of less than one-half shall be ignored.

4AA. :-

Notwithstanding anything contained in these rules, if the seat of a member is reserved for the Scheduled Castes or the Scheduled Tribes or as the case may be, the category of Backward Class of citizens (including Vimukta Jatis and Nomadic Tribes) and no candidate belonging to such Castes, Tribes, or as the case may be, the category of Backward Class of citizens is available then, such seat for the same tenure shall be allotted by draw of lots to any of the categories for which the seat may be reserved under Section 10 of the Act:

Provided that, in case where the seat is reserved for women belonging to the Scheduled Castes or Scheduled Tribes

or, as the case may be, the category of Backward Class of citizens (including Vimukta Jatis and Nomadic Tribes) and no candidate belonging to such Castes or Tribes or, as the case may be, the category of Backward Class of citizens is available, then such seat for the same tenure shall be treated as (i) if originally reserved for women belonging to the Scheduled Caste, then for the Scheduled Castes, (ii) if originally reserved for women belonging to the Scheduled Tribes, then for the Scheduled Tribes and (iii) if originally reserved for women belonging to the Backward Class of Citizens, then for the Backward Class of citizens.

4B. Manner of allotment and rotation of seats reserved for women :-

Subject to the provisions of clause (d) of sub-section (2) of Section 10, the seats to be reserved for women shall be allotted and rotated in accordance with the following principles, namely:-

(1) The seats to be reserved for women, belonging to the Scheduled Castes, the Scheduled Tribes or, as the case may be, the category of Backward Class of Citizens shall be allotted to the different wards where the seats are. so reserved for such Castes, Tribes or the category, as the case may be, by drawing lots according to the instruction given by the State Election Commissioner from time to time from among such reserved seats:

Provided that, such seats shall be rotated only among such wards where the seats to be reserved for such Castes, Tribes or category:

Provided further that, while rotating such seats, in different wards in village, at the time of subsequent elections, the wards where such seat were already reserved in earlier elections for women from such Castes, Tribes, or category as the case may be shall be excluded until all the wards where such seats are required to be reserved, have been given such reservation by rotation.

(2) Once seats are reserved in the appropriate wards for women belonging to the Scheduled Castes, Scheduled Tribes or the category of Backward Class of citizens, then the remaining seats for women shall be reserved in the different wards by drawing lots:

Provided that, while rotating such seats in different wards at the time of the subsequent elections, the wards in which the seats were reserved in the earlier elections for women shall be excluded until such reservation is given to all the wards in the village, by rotation.

(3) Where only one seat is reserved either for the Scheduled Castes, Scheduled Tribes, or as the case may be, for the category of Backward Class of citizens, in a panchayat, then such seat shall be allotted to women, by drawing lots, once in every three consecutive elections commencing from the first election to be held after the commencement of the Bombay Village panchayats (Amendment) Act, 1994.

(4) Where only two seats are reserved, either for the Scheduled Castes, Scheduled Tribes, or as the case may be, for the category of Backward Class of citizens, in a panchayat, then out of those two seats one seat shall be allotted to women, by drawing lots in two out of the three elections, commencing from the first election.

4C. Preparation of roster for Reservation of seats :-

Roster shall be prepared for a period of every five years commencing from the twenty third April, 1994, for each village at the Tahsil level for reservation of the seats for the Scheduled Castes, the Scheduled Tribes, the category of Backward Class of citizens and women.

5. Publication of constitution of panchayat :-

(1) The number of members of a panchayat, the number of wards into which each village shall be divided, [the extent of each such ward,] the number of members which shall be elected from each ward and the ward or wards in which seats are reserved for [Scheduled Castes, Scheduled Tribes, the Backward Class of citizens and women] [shall be published by [an officer authorised by the State Election Commissioner] a notification in Form 'A' hereto by affixing it on the notice board in his office [and a copy of such notification shall be forwarded to the State Government] [and the State Election Commissioner]. A copy of such notification shall also be affixed at the village chavdi and also at a conspicuous place in the village; and in the case of a panchayat for a local area comprising a group of revenue villages or hamlets forming part of a revenue village at a conspicuous place, and the village chavdi (if any), in each of such villages or hamlets.

(2) Before issuing a notification under sub-rule (1), [the State Election Commissioner] shall [cause a general notice in Form 'B' to be affixed on the notice-board in his office and at the village chavdi, and also at a conspicuous place in the village and in the case of a panchayat for a local area comprising a group of revenue villages or hamlets forming part of a revenue village at a conspicuous place and the village chavdi (if any), in each of such villages or hamlets requiring] any person affected by the issue of such notification to submit within such period as may be specified in the notice any objection to the proposal. [[The State Election Commissioner] shall, not later than the day immediately following the day on which the notice has been affixed, also cause an announcement to be made by beat of drum in each of the said villages or hamlets that such notice has been affixed as aforesaid.] [The State Election Commissioner] shall then consider the objection submitted to him within the period specified in the notice.

SCHEDULE 1

SCHEDULE

SCHEDULE		
Number and	Number of	Number of

NUMBER AND extent of wards		NUMBER OF members to be elected		NUMBER OF seats reserved for the Scheduled Castes	
(1)		(2)		(3)	
Number of seats reserved for the Category of Backward Class of citizens	Number of seats reserved for				
	From The Scheduled Castes	From the Scheduled Tribes	From the Category of Backward Class of citizen	General	
	(A)	(B)	(C)	(D)	
	(5)	(6)			
The officer authorised by the State Election Commission					

Number and extent of wards	Number of members to be elected	Number of seats reserved for the Scheduled Castes	
(1)	(2)	(3)	

Number of seats reserved for the Category of Backward Class of citizens	Number of seats reserved for			
	From the Scheduled Castes	From the Scheduled Tribes	From the Category of Backward Class of citizen	General
	(A)	(B)	(C)	(D)
(5)	(6)			

The officer authorised by the State Election C