

BOMBAY VILLAGE PANCHAYATS WATCH AND WARD (COSTS) RULES, 1960

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BOMBAY VILLAGE PANCHAYATS WATCH AND WARD (COSTS) RULES, 1960

In exercise of the powers conferred by Section 176 of the Bombay Village Panchayats Act, 1958 (Bom.III of 1959), and in supersession of all the rules made under any of the enactments repealed by Section 185 of the said Act and still in force in so far as they provide for matters covered by these rules, the Government of Bombay hereby makes the following rules, namely

1. Short title :-

These rules may be called the BOMBAY VILLAGE PANCHAYATS WATCH AND WARD (COSTS) RULES, 1960 .

2. Definitions :-

In these rules, unless the context requires otherwise, -

- (a) "annual letting value" means the annual rent for which the house or land might reasonably be expected to be let from year to year;
- (b) "capital value" means the estimated market value of a house;
- (c) "house" means any building or set of building within the same enclosure and used by the same occupier;
- (d) "land" means any cultivable occupied land, which is subject to payment of agricultural assessment;
- (e) "occupier" includes a person in actual possession of a house or

land, whether as owner, agent or tenant;

(f) "owner" includes the person, who receives or is entitled to receive rent of the house or land, if such house or land is let.

3. Costs of watch and ward to be levied and recovered as fee :-

(1) Where a panchayat provides for the watch and ward of the village and of the crops therein, the cost of such watch and ward shall be levied and recovered by the panchayat as a fee, assessed on every owner or occupier of a house or land in the village in the manner provided in rule 5 and at such rate as shall from time to time be fixed by the panchayat after following the procedure laid down in sub-rules (2) and (3):

Provided that, no fee shall be levied and recovered from an owner or occupier of any land in a village whose crops are protected by Crop Protection Society [registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960 .

(2) Every panchayat shall, before deciding to levy the costs of watch and ward, follow the following procedure, namely:-

(a) The panchayat shall pass a resolution at its meeting sanctioning the proposal to levy the costs of watch and ward at the rate specified therein.

(b) The panchayat shall then notify to the public the proposal by beat of drum in the village and by means of a notice together with these rules affixed in the office of the panchayat and at the village chavdi; specifying a date, not earlier than one month from the date of such publication, on or after which the panchayat shall take the proposal into consideration.

(c) Any inhabitant of the village affected by the proposal may make any objection or suggestion in writing to the panchayat on or before the date specified in the notice under clause (b) or orally on the day or days on which the panchayat considers the proposal.

(d) On or after the date fixed under clause (b), the panchayat shall consider all objections and suggestions made under clause (c) and may approve or modify the proposal.

(3) Where a panchayat finally decides to levy the costs of watch and ward it shall publish a final notice specifying therein the rate at

which it shall be levied. Copies of such notice together with these rules shall be affixed in the office of the panchayat. It shall also announce by beat of drum in the village the fact of such publication. The fee shall accordingly be levied from such date, not earlier than one month from the date of publication of the final notice, as may be specified in the notice.

3A. Appeal against levy of fee :-

(1) Any person aggrieved by the levy of fee under rule 3 may appeal to the panchayat Samiti. A further appeal against the order of the panchayat Samiti may be made to the Standing Committee whose decision shall be final.

(2) The first appeal shall be made within thirty days after the presentation of the bill complained of, and the further appeal within thirty days from the date on which [the decision of the Panchayat Samiti is communicated to the person aggrieved.

4. Period for levy of fee :-

The fee shall be leviable for the year beginning on 1st day of April and ending on 31st day of March next following. If the levy of fee comes into force on any day other than the 1st day of April, it shall be leviable, for the quarter beginning on the 1st day of July, 1st day of October. 1st day of January and 1st day of April, next following and thereafter for the year beginning on the 1st day of April.

5. Persons liable to pay fee :-

(1) The fee shall be primarily leviable from the owner of the house or land who occupies the house or land.

(2) If the house or land is not occupied by the owner the fee shall be primarily leviable from -

(a) the lessee, if the house or land is let;

(b) the superior lessor, if it is sub-let;

(c) the person in whom the right to let the same vests, if it is unlet;

(d) the person to whom the house or land has been transferred if the owner of the land or house has left the village, or cannot otherwise be found

(3) On failure to recover any sum due on account of such fee from the person primarily liable, a portion of the sum may be recovered from the occupier of any part of the house or land in respect of which it is due, in the ratio which the Sarpanch decides to be an equitable ratio to the amount of the fee assessed on the owner of the house or land as a whole tenement. An appeal against the decision of the Sarpanch in the matter may be made within 30 days to the panchayat;

Provided that if any sum is paid by or levied from any person who is not primarily liable under these rules such person shall be entitled to credit such sum in account with the person primarily liable for the payment of that sum.

6. Receipt for payment of fee :-

The Secretary of the panchayat or the person duly authorised by the panchayat in this behalf shall receive the payment of the fee and give a receipt for the same.

7. Form of receipt :-

The panchayat shall determine the form of receipt.