

1-119 - 1 - ④

Village Panchayats.-

Fixing of number of Members,
Constitution of Wards and
Reservation of Seats.

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Government of Bombay.
Local Self-Government and Public Health Department,
Resolution NO. VPA. 1159-P,
Sachivalaya, Bombay, 6th June 1959.

RESOLUTION :

The Collector has to determine the number of members of a Panchayat and has to divide each panchayat area into wards and to determine the number of members to be elected from each ward according to sub-section (1) of section 10 of the Bombay Village Panchayats Act, 1958, which lays down as follows:-

Subject to any general or special order which the State Government may make in this behalf -

(a) a panchayat shall consist of such number of members, not being less than 7 and more than 15, as the Collector may determine;

(b) each village shall be divided into such number of wards and the number of members of a panchayat to be elected from each ward shall be such, as may be determined by the Collector.

Under clause (iii) of sub-section (2) of section 176 the State Government has been empowered to make rules for prescribing the number of seats to be reserved for Scheduled Castes and Scheduled Tribes in each Panchayat. Government has delegated these powers to make rules to the Collectors under Government Notification, Local Self-Government and Public Health Department NO. VPS. 2459(a)-P, dated the 25th May 1959.

2. Government is also pleased to direct that the principles mentioned below should be followed by the Collector in the matter of fixing the number of members, reserving seats for Scheduled Castes and Scheduled Tribes, and constituting wards. The Collector should not delegate under sub-section (4) of section 182 of the Bombay Village Panchayats Act, 1958, his powers in any of these matters to any officer subordinate to him.

3. The number of members of each Panchayat should be fixed by the Collector on the basis of population, according to the latest census figures available, on the following lines :-

(a) for a Village Panchayat with a population of 1000 or less 7 members.

(b) for a Village Panchayat with a population of above 1000 but not above 2000 9 members.

✓ (c) for a Village Panchayat with a population of above 2000 but not above 3000 11 members.

(d) for a Village Panchayat with a population of 3000 but not above 4000 13 members.

(e) for a Village Panchayat with a population above 4000 15 members.

3211

The number of seats specified above may, however, be increased by the Collector by one, if necessary, to satisfy the requirements of paragraph 5 below.

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4. The reservation of seats for women, and Scheduled Castes and Scheduled Tribes, should be made on the following principles:-

- (a) Two seats should be reserved for women in each Panchayat as required by sub-section (2) of section 10;
- (b) Seats should be reserved for Scheduled Castes and Scheduled Tribes on population basis according to the latests census figures provided that (i) no reservation should be made for Scheduled Castes or Scheduled Tribes, if such Castes or Tribes constitute a majority of the population of the village or if not entitled on a population basis to at least half a seat, and at least half the total number of seats should be left unreserved.

In calculating the number of seats to be reserved for Scheduled Castes and Scheduled Tribes fractions of a seat of one-half or above should be counted as one seat, fraction below one-half being ignored.

5. A villages should be divided into suitable number of wards by the Collector on the following principles :-

(i) seats should be allotted to the wards on a population basis;

(ii) no ward should ordinarily have more than three seats and less than two seats only in exceptional cases a ward may have only one seat;

(iii) reservation of seats for Scheduled Castes and Scheduled Tribes should be made in the ward or Wards in which these communities have the ~~largest~~ concentration and the seats for women should, as far as possible, be reserved in wards in which there are the fewest reservations. In no case, however, should the reservations be so made as to leave any ward without at least one unreserved seat. /largest

6. In the case of those Village Panchayats of which the terms expire after the coming into force of the new Bombay Village Panchayats Act, 1958, and the constitution of which does not conform to the above principles, the Collectors should take immediate steps to revise the constitution of the Village Panchayats in accordance with the above instructions.

7. The reservation of seats for Scheduled Castes and Scheduled Tribes should be made on the principles stated in paragraph 4 above. The rules made for reservation of seats should be on the lines of the appended model (Annexure A). The attention of the Collectors is invited to provisions of sub-section (5) of section 176 of the Bombay Village Panchayats Act, 1958, providing that the rules made under sub-section (2) should be placed before each House of the State Legislature. To meet the requirements of sub-section (5) of section 176, two copies each of the rules framed in this connection should be forwarded to the Secretary, Bombay Legislature Department, Council Hall, Bombay. Copies of the Rules should also be forwarded to Government for its information.

8. Orders for the constitution of wards shall be issued by the Collectors on the lines of the appended model (Annexure B). Copy of the order should be published in the Bombay Government Gazette and copy should be forwarded to Government for information.

3.

9. The Castes, races or tribes or parts of or parts of or groups within castes or tribes specified in schedule to the Constitution (Scheduled Castes) Order, 1950, as modified by Scheduled Castes and Scheduled Tribes List (Modifications) Order, 1956, and the tribes, tribal communities, or part of or groups within tribes or tribal communities specified in Schedule to the Constitution (Scheduled Tribes) Order, 1950, as modified by the Scheduled Castes and Scheduled Tribes Lists (Modifications) Order, 1956, in so far as they relate to the Bombay State should only be treated as Scheduled Castes or Scheduled Tribes for the purposes of reservation of seats. Necessary extracts from the orders issued in this connection under the Constitution are enclosed.

By order and in the name of the Governor of Bombay,

H.H. TRIVEDI,
DEPUTY SECRETARY TO GOVERNMENT.

To

The Commissioners of all Divisions.
All Assistant Divisional Commissioners, (Panchayats).
All Collectors.
All District Panchayat Officers.
The Revenue Department.
The Legal Department.
The Director, Local Self-Government Institute, Bombay.
(by letter)-

ANNEXURE 'A'

(A)

Model rules for the reservation of seats
for Scheduled Castes and Scheduled Tribes

The total number of seats and the seats reserved for Scheduled Castes and Scheduled Tribes shall be as indicated in the annexed schedule.

SCHEDULE

Name of the Village Panchayat	Total number of seats	Seats for women	Seats reserv- ed for Scheduled Castes	Seats reserved for Sch- eduled Tribes	Unreserved Seats