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IMMEDIATE.
ELECTION.

No.PSE.1071/8941-P-II,
Rural Development Department,
Sachivalaya, Bombay-32,
Dated the 11th April 1972.

To

The Collector of Dhulia,
DHULIA.

Subject:- Elections to Village Panchayats .
Re-constitution of wards.

Reference your letter No.1972-CV-476, dated the 16th March, 1972 on the subject mentioned above.

2. Under its No.VPA.1161/40892-(i)-P, dated the 15th April, 1966. Government has issued an order in exercise of the powers conferred on it by sub-section (1) of Section 10 of the Bombay Village Panchayat Act, 1958 directing that a village having population indicated below shall have the number of members shown against it :-

<u>Population of village.</u>	<u>Number of members.</u>
(a) A village with a population of 1,000 or less.	7
(b) A village with a population of more than 1000 but not more than 2000.	9
(c) A village with a population of more than 2000 but not more than 3000.	11
(d) A village with a population of more than 3000 but not more than 4000.	13
(e) A village with a population of more than 4000.	15

According to the definition of the term "population" given in the above order, the "population" in relation to a village means the population of that village as ascertained at the last preceding census of which the relevant figures have been published. In your letter referred to above you have pointed out that there are certain villages covered by village panchayats where no material increase in the total population as also increase in the population of Scheduled Castes and / or Scheduled Tribes has occurred. In this connection, it is clarified that even if there is no material change in the population of any of the villages, the question of formation of wards in a particular village will have to be determined by the Collector having regard to the slabs of population indicated above. For example, if a village originally had population of 2000, according to the order quoted above, it is entitled to 9 members on the basis of 1961 Census. If, however,

OFFICE OF THE COLLECTOR,

EATNAGIRI.

Date 14 APR 1972

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the population according to 1971 Census, has increased such a village would be entitled to 11 members. It is quite possible that there may be such marginal cases and you will have to re-constitute the wards in such cases having regard to variations in population. In any case, you have to determine the total membership of a panchayat keeping in view the orders contained in the Government Order dated the 15th April 1966 referred to above. It is also necessary for you to republish the constitution of a Panchayat in accordance with rule 5 of the Bombay Village Panchayat (Division of Village into Wards and Reservation of Seats for Women, Scheduled Castes and Scheduled Tribes) Rules, 1966.

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3. In regard to the peculiar case of the Village Panchayat, Chakale in Nandurbar Taluka referred to by you, it appears that the population of the village which was 508 according to 1961 Census has decreased to 148 according to 1971 Census. According to the orders contained in the Government Order dated the 15th April 1966 referred to above, on the basis of the population according to 1961 census, the village Chakale is entitled to 7 members. Even on the basis of 1971 Census as well as on the basis of the present population of the village, the village is entitled to 7 members only. Legally, however, the figure of the present population of 703 as reported by the Tahsildar cannot be adopted by you for constitution of wards of the village. The constitution of the Village Panchayat, Chakale as provided under the rules must necessarily be on the basis of 1971 census figures i.e. on the basis of the population of 148 and that this constitution has to be determined in accordance with the principles indicated in the Government Order dated 15th April 1966 referred to above. If by application of the principles indicated in the said order, you find that no revision in the constitution is necessary, you have simply to republish the old constitution as required by rule 5 of the Bombay Village Panchayat (Division of Village into Wards and Reservation of Seats for Women, Scheduled Castes and Scheduled Tribes) Rules, 1966.

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Under sub-section (1) of Section 12 of the Bombay Village Panchayat Act 1958, the Electoral Roll of the Maharashtra Legislative Assembly prepared under the provisions of the Representation of People Act, 1951 and in force on the day as the State Government may notify in this behalf for such part of the constituency as is included in a ward or a village, is the list of voters for such ward or village. Under Government Notification, Rural Development Department No. VPA.1268/34143/E, dated the 5th October, 1968 Government has notified the seventh day immediately preceding the date fixed for the nomination of candidates under rule 7 of the Bombay Village Panchayat Election Rules, 1959 to be the date for the purpose of sub-section (1) of Section 12 of the Bombay Village Panchayat Act, 1958. Thus, all the persons whose names would appear in the voters' list on the day referred to above would be entitled to vote irrespective of the fact that the population of village Chakale according to 1971 Census is only 148.

B.B. Satam
(B.B. SATAM)
Section Officer,
Rural Development Department.