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No. VPE 1081/1569/CR-965/XXIII-B,
Rural Development Department,
Mantralaya, Bombay- 400 032.
Dated the 6th June 1981.

To
The Collector of Raigad,
Alibag.

Subject :- Associate Members of
Village Panchayats.
Clarification regarding
disqualification of -

Reference your letter No. 324/51/19/CR-965/10/
335/80 dated the 20th January 1981 on the
subject mentioned above.

2. It has been clarified in Government letter,
Rural Development Department No. VPS 2466/28632/E,
dated the 25th October 1966 that the view expressed
by the C.E.O of Ratnagiri Zilla Parishad that the
provisions of section 14 of the Bombay Village
Panchayats Act, 1958 in respect of disqualification
in regard to a person to be or to continue as a
member of a Panchayat do not apply in the case of
an "Associate Member" is not correct as they are
equally applicable to all members, including associate
members. Government has examined this point further and
is pleased to clarify that according to the provisions
of section 14 of the Bombay Village Panchayats Act, 1958
no person shall be a member of a Panchayat or continue
as such who has incurred any one of the disqualifications
mentioned in the said section. However, the person
concerned shall not stand disqualified automatically
and in pursuance of the provisions contained in section
16, the Collector is required to examine the case and
give decision whether the person concerned incurred
disqualification under section 14. Section 16 (1) of
the Bombay Village Panchayats Act, 1958 reads as
follows :-

" (1) If any member of a Panchayat -

- (a) who is elected or appointed as such, was
subject to any of the disqualifications mentioned in
section 14 at the time of his election or appointment, or
(b) during the term for which he has been elected or
appointed, incurs any of the disqualifications,
mentioned in section 14,

he shall be disabled from continuing to be a member,
and his office shall become vacant " .

3. The above position indicates that the person
who is elected as a member of a Panchayat at its general/
by election can be disqualified by the Collector under
section 16 read with section 14. Similarly, the person
who has been appointed by the Standing Committee under
section 10(3) can also be disqualified by the Collector

Office of The Collector, Ratnagiri.
Branch...
Date... 15 JUN 1981

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under section 16 read with section 14. The person who is holding the office of an "associate member" is not an elected or appointed member of a Panchayat. Section 16 of the Bombay Village Panchayats Act, does not empower the Collector to decide the question whether the associate member of a Panchayat has incurred disqualification under section 14. It will be seen from the above position that the provisions of section 14 relating to disqualification shall not apply to the persons who are continuing in the office of "associate members" by virtue of their being chairmen of the Cooperative Societies. The Collector cannot, therefore, disqualify the associate members under section 16 read with section 14 of the Bombay Village Panchayats, Act, 1958. Clarification given to point No.(2) in Government letter referred to above should, therefore, be treated as modified so far as it relates to the disqualification of an associate member.

4. As regards the point raised by you in para 2 of your letter under reference it is clarified that since an associate member is not an "Ex. Officio" member of a Panchayat, it is necessary for the Collector to publish the name or names of associate member or members as required by rule 37 of the Bombay Village Panchayats Election Rules, 1959. Hence no Chairman of a Co-operative Society can be treated as an associate member of a Panchayat till his name is published by the Collector under rule 37.

5. The view taken by you in para 3 of your letter that if the office of an associate member becomes vacant for one or other reason but the incumbent continues as a Chairman of the Co-operative Society concerned, then the office of such associate member shall remain vacant till the new Chairman of that Co-operative Society is elected, is correct.

(D. D. Wagh)
Desk Officer.

Copy forwarded for information and guidance to
All Commissioners of Divisions,
All Chief Executive Officers of Zilla Parishads,
All other Collectors of Districts.

ISSUED ON.....
Despatch Clerk,
Stens.

210.400/MS.640/468
Rolls office

Ratnagiri 26-6-1981 ISSUED ON.....

Copy forwarded to all Tss. for information & na. Despatch Clerk