

THE BOMBAY VILLAGE PANCHAYAT ACT 1958

Relevant Sections and Rules regarding Elections to Village Panchayats

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S. 1. Short title.

(1) This Act may be called the Bombay Village Panchayat Act, 1958.

S.2. Extent and Commencement

(1)(1) It extends to the whole of the State of Maharashtra except the areas within the limits of a municipal corporation, municipalities, or cantonment established by or under any law for the time being in force.

(2) It shall come into force on such date as the State Government may, by notification in official Gazette, appoint.

S.3. Definitions.-

In this Act unless the context otherwise requires,-

(1) * * *

(a-2) "Auditor" means an auditor as defined in Bombay Local Fund Bom. Audit Act, 1930 (and in relation to Panchayat having an annual income including grant received from State \government of less than Rs.5,000 also includes an extension officer duly authorised in writing by the Chief Executive officer, (Bom.XXV of 1930)

¹{(a-3) "Backward Class of Citizens " means such classes or parts of or groups within such classes as are declared, from time to time ,by the State Government to be other Backward Classes and Vimukta Jatis and Nomadic Tribes]"

(1) "building" includes a hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose whatsoever and also includes walls, verandahs, fixed platforms, plinths, doorsteps and the like;

(2) "bye-laws" means bye –laws made by the Zilla Parshad under section 177;

(4) "cattle" includes elephant, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, assess, swine, sheep, ewes, rams, lambs, goats and kids;

(6) "Zilla Parishad" means a Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayats Samitis Act, 1961 (Mah.V of 1962)

- (8) “factory” means a factory as defined in the Factories Act, 1948; (LXIII of 1948).
- (8-A) “Finance Commission” means the Finance Commission constituted in accordance with the provisions of Article 243-I of the Constitution of India;
- (9) “Gram Sabha” means a body consisting of persons registered in the electoral rolls relating to village comprised within the area of panchayat;
- (10) “land” includes land which is built upon, or covered with water;
- (11) “list of voters” means a list of voters provided for and maintained under section 12;
- (11) District List” means the list of subjects -----
- (13)* * *
- (14) “panchayat” means a panchayat established or deemed to have been established under this Act;
- (14-A) ”population” means the population as ascertained at the last preceding census of which the relevant figures, “whether provisional or final” have been published;
- ⁷(15) “prescribed” means prescribed by rules;
- (16) “rules” means rules made, or deemed to have been made, under this Act;
- (17) “Sarpanch” and “Upa-Sarpanch” means a Sarpanch and Upa-Sarpanch elected under section 30, (30-A), 44 or 43;
- (17-A) “Scheduled Areas” means the Scheduled Areas referred to in clause (1) of Article 244 of the Constitution of India;
- (18) “Scheduled Castes” means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Maharashtra under Article 341 of the Constitution of India;
- (19) “Scheduled Tribes” means such tribes or tribal communities or parts of or groups within, such tribes or tribal communities as are deemed to be Schedule Tribes in relation to the State of Maharashtra under Article 342 of the Constitution of India;
- ⁹(20) “Secretary” means a secretary of a panchayat appointed or deemed to be appointed under Section 60 of this Act;
- (20-A) "State Election Commission" means the State Election Commission consisting of a State Election Commissioners appointed in accordance with the provisions of clause (1) of Article 243-K of the Constitution of India;

(21) "street" means any road, footway, square, Court, alley or passage accessible whether permanently or temporarily to the public, whether a thoroughfare or not;

(22) * * * *

(23) "tax" means a tax, cess, rate or other impost leviable under this Act, but does not include a fee;

(24) "village" and "a group of villages" means the village or as the case may be, a group of villages specified in the notification issued under clause (g) of Article 243 of the Constitution of India;

(25) "ward" means an area into which a village is divided under clause (b) of sub-section (1) of Section 10 for the purpose specified therein;

(26) the expression "the term of a panchayat" means the period for which the members thereof elected or deemed to be elected shall hold office under Section 27;

(27) the expressions "Standing Committee", Panchayat Samiti" (Chief Executive Officer) ("Block Development Officer" and "block grant") shall have the meaning respectively assigned to them in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962).

S.4. Declaration of village.-

(1) Every village specified in the notification issued under clause (g) of Article 243 of the Constitution of India shall be known by the name of that village specified in that notification.

Provided that, where a group of revenue villages or hamlets or other such administrative unit or part thereof is (specified in that notification) to be a village, the village shall be known by the name of the revenue Village, hamlet or as the case may be, administrative unit or part thereof, having the largest population.

(2) Where the circumstances so require to include or exclude any local area from the local area of a village to or alter the limits of a village or that a local area shall cease to be a village, then the notification issued in the like manner after consultation with the Standing Committee and the panchayat concerned, at any time, may provide to --

- (a) include within, or exclude from any village, any local area or otherwise alter the limits of any village, or
- (b) declare that any local area shall cease to be a village;

and thereupon the local area shall be so included or excluded, or the limits of the village so altered, or, as the case may be, the local area shall cease to be a village.

S.10. Constitution of Panchayats.-

(1) (* * *)

- (a) A panchayat shall consist of, --
 - (i) such number of members not being less than seven and not more than (seventeen as the State Government may prescribe), who shall be elected in accordance with Section 11:

Provided that, the ratio between the population of the territorial area of a panchayat and the number of seats in such panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

- (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 (in the prescribed manner by the State Election Commission or an officer authorised by it.

Provided that, the panchayat area shall be divided into wards in such manner that the ratio between the population of each ward and the number of seats allotted to it shall, so far as practicable, be the same throughout the panchayat area.

(2)(a) In the seats to be filled in by election in a Panchayat there shall be seats reserved for persons belonging to the Scheduled Castes, the Scheduled Tribes, Backward Class of Citizens and Women, as may be determined by the State Election Commission in the prescribed manner :

- (c) the seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in a panchayat

shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in that panchayat as the population of the Scheduled Castes or, as the case may be, the Scheduled tribes, in that panchayat area bears to the total population of that area and such seats shall be allotted by rotation to different wards in a panchayat :

Provided that, in a panchayat comprising entirely the Scheduled Areas, the seats to be reserved for the Scheduled Tribes shall not be less than one-half of the total number of seats in the panchayat :

Provided further that, the reservation for the Scheduled Tribes in a panchayat falling only partially in the Scheduled Areas shall be in accordance with the provisions of clause (b);

(Provided also that) one-third of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes;

- (d) the seats to be reserved for persons belonging to the category of Backward Class of citizens shall be 27 percent of the total number of seats to be filled in by election in a sub-section panchayat and such seats shall be allotted by rotation to different wards in a panchayat :

Provided that, in a panchayat comprising entirely the Scheduled Areas, the seats to be reserved for persons belonging to the Backward Class of citizens shall be 27 per cent of the seats remaining, if any, after reservation of the seats for the Scheduled Tribes and the Scheduled Castes :

Provided further that, the reservation for the persons belonging to the Backward Class of citizens in a panchayat falling only partially in the Scheduled Areas shall be as per the provisions of clause (c) :

(Provided also that), one third of the total number of seats so reserved shall be reserved for women belonging to the category of Backward Class of citizens;

- (e) one third (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Backward Class of citizens) of the total number of seats to be filled in by direct election in a panchayat shall be reserved for women and such seats shall be allotted by rotation to different wards in a panchayat.

(2-A) The reservation of seats (other than the reservation for women) under sub-section (2) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution of India.

(3) The names of the members falling under clause (a) of sub-section (1) shall be published by the State Election Commissioner in the prescribed manner.

(4) Notwithstanding anything in sub-section (1) where two-thirds or more of the total number of members required to be elected under sub-clause (i) of clause (a) of sub-section (1) are elected, failure to elect the remaining members shall not affect constitution of the panchayat.

S.10-1A. Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate: Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes, or, as the case may be, Backward Class of Citizens, shall be required to submit, along with the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit along with the nomination paper,-

- (i) a true copy of the application preferred by him to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, along with the nomination paper,-
- (ii) an undertaking that he shall submit, within a period of four months from the date of his election, the validity certificate issued by the Scrutiny Committee;

Provided further that, if the person fails to produce the validity certificate within a period of four months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

S.10-A. State Election Commission.—

- (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the panchayats shall vest in the State Election Commissioner.
- (2) The State Election Commissioner may, by order, delegate any of his powers and functions to any officer of the Commission or any officer of the State Government not below the rank of Tahsildar.
- (3) All the officers and members of the staff appointed or deployed for preparation of electoral rolls and conduct of election of panchayats under this Act or the rules shall function under the superintendence, direction and control of the State Election Commissioner.
- (4) Notwithstanding anything contained in this Act and the rules, the Commission may issue such special or general orders or

directions which may not be inconsistent with the provisions of the Act for fair and free elections.

S.11. Election.-

- (1) An election to constitute a panchayat shall be completed --
- (a) in the case of the establishment of a panchayat for the first time, as soon as may be practicable;
 - (b) in the case of panchayat, existing for the time being, before the expiry of its duration of five years as prescribed in sub-section (1) of section 27;
 - (c) in the case of the dissolved panchayat, before the expiration of a period of six months from the date of its dissolution :

Provided that, where the remainder of the period for which the dissolved panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the panchayat for such period;

- (d) in the case of an interim panchayat referred to in Section 157, before the expiry of the period of one year as specified in sub-section (1) of Section 158.
- (2) The election of members of panchayat or election to fill any vacancy shall be held on such date as the State Election Commission may appoint in this behalf.
 - (3) Notwithstanding anything contained in Section 10, if the vacancy of a member occurs within six months preceding the date on which the term of office of the members of the panchayat expires under Section 27, the vacancy shall not be filled.
 - (4) Such election shall be conducted in the prescribed manner.

S.12. List of voters.-

- (1) The electoral roll of the Maharashtra Legislative Assembly prepared under the provisions of the Representation of the People Act, 1950 (XLII of 1950), and in force on such day as the (the State Election Commissioner may by order) notify in this

behalf for such part of the constituency of the Assembly as is included in a ward or a village shall be the list of voters for such ward or village.

(2) An officer designated by the (State Election Commission) in this behalf shall maintain a list of voters for each such ward or village.

S.13. Persons qualified to vote and be elected. _

(1) Every person whose name is in the list of voters shall, unless disqualified under this Act or any other law for the time being in force, be qualified to vote at the election of a member for the ward to which such list pertains.

(2) Every person (who is not less than 21 years of age on the last date fixed for making nomination for every general election or bye-election and) whose name is in the list of voters shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected for any ward of the village. No person whose name is not entered in the list of voters for such village shall be qualified to be elected for any ward of the village.

(3) Subject to any disqualification incurred by a person, the list of voters, shall be conclusive evidence for the purpose of determining under this section whether any person is qualified or is not qualified to vote, or as the case may be, is qualified or is not qualified to be elected, at any election.

S.13A. Vacation of seats.

If a person is elected to more than one seat in a Village Panchayat, then, unless within the prescribed time he resigns all but one of the seats by notice in writing signed by him and addressed to the State Election Commission or any officer authorised by it in this behalf, all the seats shall become vacant.

S.14. Disqualifications:-

(1) No person shall be a member of a panchayat continue as such, who -

(a) has, whether before or after the commencement of this Act, been convicted -

- (i) of an offence under the Untouchability (Offences) Act, 1955, or under the Bombay Prohibition Act, 1949 or any law corresponding thereto in force in any part of the State, unless a period of five years, or such lesser period as the state Government may allow in any particular case, has elapsed since his conviction, or
 - (ii) of any other offence and been sentenced to imprisonment for not less than six months, unless a period of five years, or such lesser period as the state Government may allow in any particular case, has elapsed since his release; or
- (a-1) if he has been disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State :

Provided that, no person shall be disqualified on the ground that he is less than 25 years of age, if he has attained the age of 21 years;

- (b) has been adjudged by a competent court to be of unsound mind;
 - (c) has been adjudicated an insolvent and has not obtained his discharge; or
- (c-1) having held any office under any Government or local authority, he has, whether before or after the commencement of this Act, been dismissed for misconduct unless a period of five years has elapsed since his dismissal; or
- (d) has been removed from office under sub-section (1) of Section 39 and a period of five years has not elapsed from the date of such removal, unless he has, by an order of the State Government notified in the *Official Gazette*, been relieved from the disqualification arising on account of such removal from office; or
 - (e) has been disqualified from holding office under sub-section (2) of Section 39 and the period for which he was so disqualified has not elapsed; or
 - (f) holds any salaried office or place of profit in the gift or disposal of the panchayat, while holding such office or place; or

- (g) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the panchayat, or in any contract with, by or on behalf of, or employment with or under, the Panchayat; or
- (j) has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State; or
- (h) failed to pay any tax or fee due to the Panchayat or the Zilla Parishad within three months from the date on which the amount of such tax or fee is demanded, and a bill for the purpose is duly served on him; or;
- (h-1) fails to pay the amount of surcharge or charge under Section 140 or the amount ordered to be paid under Section 178 together with interest, if any, within the period provided in that behalf, and where an appeal has been made, then within one month from the date of receipt of the decision rejecting such appeal;
- (i) is a servant of the Government or a servant of any local authority; or
- (j) has voluntarily acquired the citizenship of a foreign state, or is under any acknowledgement of allegiance or adherence to a foreign State; or
- (j-1) if he has more than two children :

Provided that, a person having more than two children on the date of commencement of the Bombay Village Panchayats and the Maharashtra Zilla Parishads and Panchayat samitis (Amendment) Act, 1995 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase :

Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause; or

(k) is disqualified under any other provisions of this Act, and the period for which he was so disqualified has not elapsed.

Explanation 1.- A person shall not, by reason only of his being a shareholder in or a member of, any incorporated or registered company or a co-operative society registered under any law for the time being in force in the State of Maharashtra be held to be interested in any contract entered into between the company or co-operative society and the Panchayat.

Explanation 1-A. - A person shall not be disqualified under clause (g) by reason only of such person, -

- (i) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Panchayat is inserted; or
- (ii) having a share or interest in the occasional sale to the panchayat of any article in which he regularly trades, or in the purchase from the panchayat of any article, of a value in either case not exceeding in any financial year two hundred rupees; or
- (iii) having a share or interest in the occasional letting out on hire to the panchayat or in the hiring from the panchayat of any article for an amount not exceeding any financial year twenty-five rupees or such higher amount not exceeding one hundred rupees, as the panchayat, with the sanction of the Collector may fix in this behalf; or
- (iv) having any share or interest in any lease for a period not exceeding ten years, of any immovable property or in agreement for the same; and before such lease or agreement is executed, the Block Development Officer certifies that no other suitable premises were available to the panchayat on lease.

Explanation 2.- For the purposes of clause (h)-

- (i) a person shall not be deemed to be disqualified if he has paid the amount of any tax or fee due, prior to the day prescribed for the nomination of candidates;

- (ii) failure to pay any tax or fee due to the panchayat by a member of an undivided Hindu family, or by a person belonging to a group or unit the members of which are by custom joint in estate or residence, shall be deemed to disqualify all members of such undivided Hindu family or as the case may be all the members of such group or unit.

Explanation 3. - For the purposes of clause (i), a Police Patil appointed under section 5 of the Maharashtra Village Police Act, 1967 (Mah. XLVI of 1967), shall be deemed to be a servant of Government.

Explanation 4.- For the purposes of clause (g) a person shall not be deemed to have any share or interest in any employment by reason only of any relation of his being employed with or under a panchayat, as an officer or servant thereof.

Explanation 5. - For the purpose of clause (j-1), -

- (i) where a couple has only one child on or after the date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity;
- (ii) "child" does not include an adopted child or children.

(2)(a) A person shall be disqualified for being a member of a panchayat or for contesting, an election for being elected as such member, for a period of six years, if, an order is passed by the concerned authority, under sub-section (5) of Section 15 or Section 16, as the case may be, holding that such person was elected as a member to a seat which was reserved for a member belonging to a Scheduled Caste, Scheduled Tribe or a Backward Class of citizens (hereinafter referred to as "a reserved category"), on the basis of a false claim or a false Caste Certificate, declaring that such person belonged to such reserved category.

- (c) Such period of disqualification shall be computed with effect from the date of passing of such order either under sub-section (5) of Section 15 or the order of the collector

being upheld by the State Government in appeal under sub-section (2) of Section 16, as the case may be.

(3)(a) Notwithstanding anything contained in sub-section (2), a member of a panchayat who has been elected to a reserved seat (as mentioned in sub-section (2)), shall be disqualified for being such member consequent upon the Caste Certificate Verification Committee or any other Competent Authority specified by the State Government for the purpose of scrutiny of the Caste Certificate, declaring the Caste Certificate of such member to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the member shall be deemed to have vacated his office on and from the date of declaration of such Certificate to be invalid and cancellation of the same by the said Committee or the Competent Authority.

(b) On any person having been disqualified for being a member and consequently his seat as such member having become vacant under clause (a), the Collector shall, by notification in the Official Gazette, disqualify such person for being elected or being a member for a period of six years from the date of such order.

S.14-A. Disqualification arising out of certain convictions and corrupt practices under this Act. –

If any person, --

(a) is convicted of an offence punishable under Section 153-A or Section 171-E or Section 171-F or sub-section (2) or sub-section (3) of Section 505, of the Indian Penal Code (XLV of 1860), or of an offence punishable under section 24, or clause (a) of sub-section (2) or Section 25 of this Act; or

(b) is upon trial of an election petition under Section 15 of this Act, found guilty of any corrupt practice,

he shall be disqualified for being elected, or for continuing as a member, or for voting at any election to a panchayat, unless a period of six years from the date of the conviction or from the date

on which a declaration that the candidate is disqualified is made under sub-section (5) of Section 15 of this Act, or such lesser period which the State Government may allow in any particular case has elapsed.

S.15. Determination of validity of elections : enquiry by Judge : procedure.

- (1) If the validity of any election of a Councillor or the legality of any order made or proceedings held under section 26 is brought in question (by any candidate at such election or by) any person qualified to vote at the election to which such question refers (such candidate or person) any, at any time within fifteen days after the date of the declaration of the result of the election or the date of the order or proceeding apply to the District Judge of the district within which the election has been held, for the determination of such question.
- (2) An enquiry shall thereupon be held by a Judge, not below the rank of an Assistant Judge, appointed by the State Government either specially for the case, or for such cases generally; and such Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of (the officer empowered by the State Election Commission in that behalf under section 26, or setting the election aside. For the purpose of the said enquiry, the Judge may exercise any of the powers of a civil court, and his decision shall be conclusive. If the election is set aside, a date for holding a fresh election shall forthwith be fixed under section 14.
- (3) All applications received under sub-section (1) –
 - (a) in which the validity of the election of Councillors to represent the same electoral division is in question, shall be heard by the same Judge; and
 - (b) in which the validity of the election of the same Councillor elected to represent the same electoral division is in question shall be heard together.
- (4) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908), the Judge shall not permit –

- (a) any application to be compromised or withdrawn, or
- (b) any person to alter or amend any pleading,

unless he is satisfied that such application for compromise or withdrawal or application for such alteration or amendment is bonafide, and not collusive.

(5)(a) If on holding such enquiry the Judge finds that a candidate has, for the purpose of election, committed a corrupt practice within the meaning of sub-section (6), he shall declare the candidate disqualified for the purpose of that election and of such fresh election as may be held under sub-section (2) and shall set aside the election of such candidate if he has been elected.

- (c) If in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge, after a scrutiny and computation of the votes recorded in favour of each candidate, is of opinion that in fact any candidate in whose favour the declaration is sought has received the highest number of the valid votes, the Judge shall after declaring the election of the returned candidate to be void declare the candidate in whose favour the declaration is sought, to have been duly elected :

Provided that, for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it

Provided further that, after such computation if any equality of votes is found to exist between any candidates and the addition of one vote will entitle any candidate to be declared elected, one additional vote shall be added to the total number of valid votes found to have been received in favour of such candidates selected by lot drawn in the presence of the Judge in such manner as he may determine.

- (5) A person shall be deemed to have committed a corrupt practice,-

- (a) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or
- (b) who, with a view to inducing any person to stand or not to stand or to withdraw from being a candidate at an election, offers or gives any money or valuable consideration or holds out any promise of individual profit or holds out any threat of injury to any person, or
- (c) who hires or procures, whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter (other than the person himself, the members of his family or his agent) to and from any polling station :

Provided that the hiring of a vehicle or vessel by voter or by several voters at their joint cost for the purpose of conveying him or them to or from any such polling station shall not be deemed to be corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power :

Provided further that the use of any public transport vehicle or vessel or any tram-car or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation 1. - A corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation 2. - "A promise of individual profit" does not include a promise to vote for or against any particular measure which may come before a panchayat for consideration, but subject thereto, includes a promise for the

benefit of the person himself or any person in whom he is interested.

Explanation 3. - The expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise.

(6) If the validity of any election is brought in question only on the ground of an error made by the Officer charged with carrying out the rules made in this behalf under section 176 read with sub-section (2) of Section 10 and Section 11, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

S.18. Prohibition of canvassing in or near polling station.

(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely :-

- (a) canvassing for votes; or
- (b) soliciting the vote of any voter; or
- (c) persuading any voter not to vote for any particular candidate; or
- (d) persuading any voter not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

S.19 Penalty for disorderly conduct in or near polling station.-

(1) No person shall, on the date or dates on which a poll is taken at any polling station, -

- (a) use or operate, within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as megaphone or a loud-speaker, or
- (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abet the contravention of, the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(4) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(5) Any police officer may take such steps and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

S.20 Penalty for misconduct at polling station.-

(1) Any person who during the hours fixed for the poll at any polling station, misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

- (3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.
- (5) An officer punishable under sub-section (3) shall be cognizable.

S.21 Maintenance of secrecy of voting.-

(1) Where an election is held by ballot, every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

S.22 Officers, etc. at elections not to act for candidates or influence voting.-

(1) No person who is a returning officer, or a presiding or polling officer at an election or an officer or a clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act (other than the giving of his vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour-

- (a) to persuade any person to give his vote at an election, or
- (b) to dissuade any person from giving his vote at an election, or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall, on conviction, be

punished with imprisonment for a term which may extend to six months or with fine or with both.

S.23 Breaches of official duty in connection with elections.-

(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, presiding officers, polling officers and any other persons appointed to perform any duty in connection with the maintenance of the list of voters, the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

S.24 Removal of ballot papers from polling stations to be an offence.-

(1) Any person who, at any election, fraudulently takes, or attempts to take a ballot paper out of polling station, or wilfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that, when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(1) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

An offence punishable under sub-section (1) shall be cognizable.

S.25. Other offences and penalties thereof.

(1) A person shall be guilty of an offence if at any election he –

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
- (d) without due authority supplies any ballot paper to any person; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section, shall –

- (a) if he is a returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment or a term which may extend to two years or with fine or with both;

- (b) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.
- (3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.
- (4) An offence punishable under clause (d) of sub-section (2) shall be cognizable.

S.26 Prosecution in certain offences.-

No Court shall take cognizance of an offence punishable under Section 22 or under Section 23 or under clause (a) of sub-section (3) of Section 25 unless there is complaint made by an order of, or under authority from the Collector.

S.27 Term of office of members.-

(1) The members of a panchayat shall, save as otherwise provided in this Act, hold office for a terms of five years.

- (2) The members of a panchayat constituted upon its dissolution before the expiration of its duration shall continue only for the remainder of the period for which the members of the dissolved panchayat would have continued under sub-section (1) had it not been so dissolved.

S.28 Commencement of term of office.-

(1) The term of office of the members elected at a general election or appointed under sub-section (3) of Section 10 shall be deemed to commence on the date of the first meeting of the panchayat. The first meeting of the panchayat shall be held on a day fixed by the Collector as soon as may be after the publication of the names of the elected members under Section 10; and such date shall not -

- (i) in the case of first meeting after general election, be later than the day immediately following the day of expiry of the term of outgoing members; and
- (ii) in the case of election held after the dissolution of the panchayat, be later than the date of expiry of the period of six months from the date of dissolution of the panchayat.

Sections ascribing situations which necessitate election

S.145 Dissolution of Panchayat.

(1) If in the opinion of the State government, a panchayat exceeds or abuses its power or is incompetent to perform, or makes persistent default in the performance of the duties imposed on it or functions entrusted to it under sub-section (1) of Section 45 or any other provision of this act or by or under any other law for the time being in force, or has failed to levy taxes referred to in clauses (i) and (i-a) of sub-section (1) of Section 124, or has failed to levy taxes referred to in clauses (viii) and (xii) of sub-section (1) of section 124 when it was compulsory to levy such taxes under sub-section (1) of Section 124 or fails to obey an order made by the Panchayat Samiti under section 128 or persistently disobeys and of the orders of the Standing Committee or Commissioner under Section 142 (or wilfully disregards any instructions given by the Zilla Parishad or Panchayat Samiti under section 152 or by any competent authority arising out of audit of accounts under this Act or inspection of the office and work of the panchayat or instructions given or directions issued by the State Government under section 153A, the State Government may, after consultation with the Zilla Parishad and after giving the Panchayat an opportunity of tendering an explanation, by order in the Official Gazette-

- (i) dissolve such panchayat,

(1-A) If more than half the total number of seats in a Panchayat have become vacant, the State Government may, by order in the ***Official Gazette***, dissolve such panchayat.

(3) When a panchayat is dissolved as provided in the preceding sub-sections the following consequences shall ensue, that it to say :-

- (a) all members of the panchayat shall, in the case of dissolution, as from the date specified in the order of dissolution, vacate their office as such members;
 - (b) all the powers and duties of the panchayat shall, during the period of dissolution be exercised and performed by such person or persons as the State Government may, from time to time, appoint in that behalf, and
 - (c) all property vested in the panchayat shall, during the period of dissolution vest in State government.
- (4) When the panchayat is dissolved, it shall be reconstituted in the manner provided in this Act.

S.146 Dissolution and reconstitution of Panchayat on alteration of limits of a village.-

(1) When during the term of the panchayat the limits of a village are altered, the Commissioner may, by order in writing, dissolve such panchayat and direct a panchayat -

- (i) to be reconstituted for the village for which the panchayat has been dissolved; or
- (ii) to be established for a village which has been newly specified by notification issued under clause (g) of Articles 243 of the constitution of India.

The members of the panchayat which has been dissolved shall vacate their office from the date specified in the order.

(2) The panchayat reconstituted or established under the provisions of sub-section (1) shall consist of the elected members and the appointed members, if any,

The Sarpanch and Upa-Sarpanch of the panchayat so reconstituted or established shall be elected in the manner provided in this Act.

S.149 Effect of area ceasing to be village. –

On any area ceasing to be a village under section 4, -

- (a) the panchayat shall be dissolved and all members of the panchayat shall vacate office as from the date on which such area has ceased to be village.
- (b) the unexpended balance of the village fund and the property vesting in the panchayat shall vest in the Collector, to be utilised for the benefit of the inhabitants of the areas as the Collector may think fit.

S.151 Powers and duties of panchayat not validly constituted to be performed by person appointed by Government.-

(1) Notwithstanding anything contained in this Act or the rules or bye-laws made thereunder, if at any time it appears to the State Government that a panchayat has not been validly constituted under this Act, the State Government may, by notification in the Official Gazette, dissolve such panchayat and by the same notification or like notification cause all or any of the powers and duties performed by such person or persons, in such manner and for such period and subject to such conditions as it may think it :

Provided that on the reconstitution of the panchayat under sub-section (2), such notification shall cease to have effect from the date on which the first meeting of the panchayat so reconstituted is held under section 28.

(2) On the issue of such notification all the members of the panchayat shall be deemed to have vacated their office as members and the panchayat shall be reconstituted in the manner provided in this Act.

(3) All the powers and duties of the panchayat exercised and performed bona fide till the date of the notification referred to in sub-section (1) by the persons who constituted such panchayat shall be deemed to be and always to have been validly exercised and performed by the said persons; and no acts done by the said persons shall be deemed to be invalid or be called in question on the ground merely that the persons were not members of a validly constituted panchayat and the said persons shall be deemed to have been indemnified and discharged from liability in respect of such acts.

S.157 Effects of conversion of Municipal Council into Panchayat.- When any local area ceases to be a municipal district by virtue of, or when the whole area comprised in a municipality is withdrawn from, or when any municipality ceases to be a municipality by virtue of, any municipal law, and such area is (specified) to be a village under section 4, with effect from the date on which such local area is so (specified) to be a village (in this section referred to as "the said date"), the following consequences shall notwithstanding anything in the relevant municipal law, ensue, that is to say-

- (a) the municipality of such local area shall cease to exist,
- (b) there shall, notwithstanding anything contained in any law for the time being in force, be constituted for the village an interim panchayat consisting of persons vacating office as councillors of the municipality or members of the Committee or members of a Town Committee of such municipality and the President and Vice-President of the Municipality or as the case may be of a Committee or Town Committee shall, respectively, be deemed to be the Sarpanch and Upa-Sarpanch of the interim panchayat.

S.158 Term off office of members of interim panchayat and their powers.- (1) the State Election Commission shall, within a period not exceeding one year from the date on which the interim panchayat has been constituted, take steps to hold election for a new panchayats;

(2) The members of the interim panchayat shall hold office until the day immediately proceeding the day of the first meeting of the new panchayat;

(3) Any vacancy in the office of the interim panchayat shall be filled as soon as conveniently may be, by appointment by the Standing Committee.

S.159 Effects of amalgamation of villages.- (1) When two or more villages cease to be villages and the local areas constituting such villages are amalgamated and specified to be one village (hereinafter in this section referred to as "amalgamated village") under section 4, with effect from the date on which it is so specified (hereinafter in this section referred to as "the said date") the following consequences shall ensue, that is to say, -

- (a) the panchayats of such local areas (shall be deemed to have been dissolved and shall cease) to exist and all the members of such panchayats shall vacate office;
 - (b) all powers and duties of such panchayats shall be exercised and performed by such person or persons (hereinafter referred to as the administrator or administrators) as the State Government appoints in this behalf;
- (2) (Before the expiration of a period of six months from) the said date a panchayat for the amalgamated village shall be constituted in accordance with the provisions of this Act.

S.160.Effects of Division of a Village :- (1) Where any local area comprised within the limits of the village ceases to be a village and is (specified as constituting two or more villages under Section 4 with effect from the date on which they are so specified), the following consequences shall ensure, that is to say, -

- (a) the panchayats constituted in respect of such local area (shall be deemed to have been dissolved and shall cease) to exist and all the members of the panchayat shall vacate office,
- (b) until panchayats are constituted for the new villages, the state government shall appoint an administrator or administrators to exercise the powers and perform the functions of the panchayats for each of the new villages.

(2) (Before expiration of a period of six months from) the said date the panchayats for the new villages shall be constituted in accordance with the provisions of this Act.

S.176. Rules.-

(1) The State Government may, by notification in the Official Gazette, make rules for carrying into effect the purposes of this Act.

(2) In particular but without prejudice to the generality of the foregoing provision, the State Government may make rules-

(iii) under sub-section (2) of section 10, the manner in which the State Election Commission shall determine the number of seats to be reserved for the Scheduled Castes and Scheduled Tribes and Backward Class of Citizens and women and prescribing the manner and rotation of such reservation of seats in each Panchayats under sub-section (3) of the said section prescribing the manner of publication of the names of members falling under clause (a) of sub-section (1).

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

S.176 (1) (2)(ii-a) In exercise of the powers conferred by sub-section (1) and clause (ii-a) & (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 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 the 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:-

TABLE

Serial No.	Population	Number of members to be elected
1.	2.	3.
1.	1,500 or less than 1,500	7

2.	1,501 to 3,000	9
3.	3,001 to 4,500	11
4.	4,501 to 6,000	13
5.	6,001 to 7,500	15
6.	7,501 and above	17

3. Divisions of village into wards and number of members to be elected from 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 accordance 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 the ward next to the ward from which there was an allotment of maximum number of such seats at the time of preceding election.

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 all the wards in the village, by rotation in which the 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 election, to the wards in the village in which no such seats have, in the previous election 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 for 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 that at least one seat, as far as practicable, 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 Caste 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 instructions 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 are to be reserved for such Castes, Tribes or category:

Provided further that, while rotating seats, in different wards in the village at the time of subsequent elections, the wards where such seats 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 rotation 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 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 roaster for Reservation of Seats.- Roaster shall be prepared for a period of every five years commencing from the twenty-third April 1994 for each Village and 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 authorized 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 village 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.

FORM A

[See rule 5(1)]

NOTIFICATION

No. - In pursuance of rule 5(1) of the Bombay Village Panchayats (Number of Members, Divisions into Wards and Reservation of Seats) Rules, 1966, I,, the officer authorised by the State Election Commissioner hereby notify that,-

(a) the village panchayat of
..... shall consist of
..... members;

(b) the village
..... shall be
divided into wards;

(c) the number of members specified in column (2) of the Schedule hereto, shall be the number of members to be elected from each ward specified against it in column (1);

(d) the wards specified in column (1) of the Schedule shall be the wares in which seats shall be reserved for the Scheduled Castes, the Scheduled Tribes, the category of Backward Class of Citizens and Women as indicated in columns (3), (4) and (6), respectively, of the said Schedule.

Schedule

Number and extent of wards	Number of members to be elected	Number of seats reserved for the Scheduled Castes	Number of seats reserved for the Scheduled Tribes	Number of seats reserved for the Category of Backward Class of citizens	Number of seats reserved for women					
					From the Scheduled Castes (A)	From the Scheduled Tribes (B)	From the Category of Backward Class of citizens (C)	General (D)	Total (A+B+C+D)	
1	2	3	4	5	6					
The officer authorised by the State Election Commissioner										

FORM 'B'

[See rule 5(2)]

NOTICE

The following draft of a notification which I,

 the officer authorised by the State Election Commissioner propose to issue in pursuance of rule 5(2) of the Bombay Village Panchayats (Number of Members, Divisions into Wards and Reservation of Seats) Rules, 1966 is hereby published for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after the

2. Any objections or suggestions which may be received by me from any person with respect to the said draft notification before the
 will be considered by me.

NOTIFICATION

No.- In pursuance of rule 5(2) of the Bombay Village Panchayat (Number of Members, Divisions into Wards and Reservation of Seats) Rules, 1966, I,, the officer authorised by the State Election Commissioner hereby notify that -

(a) the village panchayat of shall consist of members;

(b) the village of shall be divided into wards;

(c) the number of members specified in column (2) of the Schedule hereto, shall be the number of members to be elected for each ward specified against it in column (1);

(d) the wards specified in column (1) of the Schedule shall be the wards in which seats shall be reserved for the Scheduled Castes, the Scheduled Tribes, the category of Backward Class of citizens and women as indicated in columns (3), (4), (5) and (6) respectively, of the said Schedule.

Schedule

Number and extent of wards	Number of members to be elected	Number of seats reserved for the Scheduled Castes	Number of seats reserved for the Scheduled Tribes	Number of seats reserved for the Category of Backward Class of citizens	Number of seats reserved for women					
					From the Scheduled Castes (A)	From the Scheduled Tribes (B)	From the Category of Backward Class of citizens (C)	General (D)	Total (A+B+C+D)	
1	2	3	4	5	6					
The officer authorised by the State Election Commissioner										

**THE BOMBAY VILLAGE PANCHAYATS ELECTION
RULES, 1959**

S.176 (1) (2)(iii) & (iv) :- In exercise of the powers conferred by sub-section (1) and clause (iii) & (iv) of sub-section (2) of section 176 read with sub-section (3) of section 10 and section 11 of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959), the Government of Bombay hereby makes the following rules, namely :-

1. **Short title.**- These rules may be called the Bombay Village Panchayats Election Rules, 1959.

2. **Definitions.**- In these rules, unless the context requires otherwise;

(1) "Act" means the Bombay Village Panchayats Act, 1958;

(2) "Election" means an election held to elect a member to a Panchayat;

(3) * *

(4) "Presiding Officer" means any person appointed by an officer authorised by the State Election Commissioner under rule 6 to be a presiding officer;

(4a) "Public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1888 (26 of 1881), or any day which is notified by the State Government to be a holiday for Government offices in the State;

(5) "reserved seat" means a seat reserved for the Scheduled Castes or Scheduled Tribes or Backward Class of citizen or Women;

(6) "Returning Officer" means any person appointed by an officer authorised by the State Election Commissioner under rule 6 to be a Returning Officer;

(7) "Section" means a section of the Act;

(7a) "an officer authorised by the State Election Commissioner" includes a Naib-Tahsildar if he exercises the powers of an officer authorised by the State Election Commissioner;

(8) "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;

(9) "Voter" means a person entitled under sub-section (1) of section 13 to vote at an election.

3. Maintenance and custody of lists of voters.- (1) The Officer designated by the State Election Commissioner under sub-section (2) of section 12 of the Act shall maintain a list of voters of each ward of the village which shall contain the names of all persons who are enrolled as voters in the electoral roll of the Maharashtra Legislative Assembly from that part of the constituency of the Assembly as is included in each such ward. Such officer shall authenticate each list of voters so maintained and shall sign every page thereof and shall seal it with the common seal of the Panchayat.

(2) The officer aforesaid shall from time to time carry out in the authentic copy of each list of voters maintained under sub-rule (1) all corrections which may be made in the electoral roll of the Maharashtra Legislative Assembly and shall initial below each correction so made.

(3) The lists of voters maintained under this rule shall be kept in the Panchayat chest or safe under lock and key and the officer whose duty is to keep the key of the chest or safe shall be responsible for the safe custody of the said lists.

(4) Copies of lists of voters maintained under this rule shall be kept open for public inspection at the village Chavdi if any, and at the village panchayat office.

(5) An officer authorised by the State Election Commissioner shall at least fifteen days before the date fixed for the nomination of candidates for every general election of the village panchayat, give a public notice of the places where copies of the relevant lists of voters are kept open for public inspection. Such notice shall be affixed at the village panchayat office and at the village Chavdi, or if there be no village Chavdi, at any other conspicuous public place in the village.

(6) Appointment of election staff.- An officer authorised by the State Election Commissioner shall, for purposes of every election, appoint a Returning Officer to hold the election and a Presiding Officer for each place fixed for the recording of votes (hereinafter referred to as the polling station). He may also appoint one or more polling officers to assist the Returning and Presiding Officers in the election work. Such officers may be appointed either by name or ex-officio.

(7) Power of an officer authorised by the State Election Commissioner to appoint dates etc. for various stages of election.-
(1) When fixing the date for holding an election under section 11, an officer authorised by the State Election Commissioner shall subject to the provisions of rule 31A by order, appoint --

(a) the last date for making nomination which shall not be later than fifteen days before the date fixed for the poll, or if that day is a public holiday, the next succeeding day which is not a public holiday and the time and place for making nominations;

(b) the date for the scrutiny of nominations, which shall be the day immediately following the last date for making nominations, or, if that day is a public holiday, the next succeeding day which is not a public holiday, and the time and place for the scrutiny of nominations on that day;

(c) the last date for the withdrawal of candidates, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday, and the time and place for making withdrawals;

(d) the date on which and the time during which a poll shall, if necessary, be taken which shall be a date not earlier than the fifteenth day after the last date for making nominations; and

(e) the date or dates not being a date or dates falling on a public holiday or holidays and the time and place for the counting of votes on such date or dates.

(2) On the issue of the order under sub-rule (1), an officer authorised by the State Election Commissioner shall give a public written notice in Form AA of the intended election inviting nominations of candidates for such election.

(2A) Copies of the order under sub-rule (1) and of the notice under sub-rule (2) shall be published, not later than fifteen days before the last date fixed for the nomination of candidates, by affixing at the office of the village panchayat and at the village Chavdi, or, if there is not village Chavdi, at any other conspicuous public place in the village appointed by an officer authorised by the State Election Commissioner in this behalf.

(3) The dates, hours and place or places appointed under sub-rule (1) shall not be changed except with the sanction of the State Election Commissioner.

(4) Notwithstanding anything contained in sub-rule (3), where an officer authorised by the State Election Commissioner is of the opinion that it is necessary in the public interest so to do, he may, and during any period which is declared by Government to be a period of National or State Mourning, he shall, subject to such general or special instructions as the State Government may issue in this behalf, by order change any dates fixed as aforesaid. In cases falling in the former category, he shall record in the order the reasons for which the date has been changed in the public interest.

In either case he shall forthwith send a copy of the order to the State Government and shall publish it by affixing it at the Village Panchayat Office and at the Village Chavdi or if there is no village Chavdi at any other conspicuous place in the village.

8. Nomination of candidates.- (1) On the day appointed for the nomination of candidates, and during the hours appointed by an officer authorised by the State Election Commissioner under rule 7 in this behalf, each candidate shall make an application in writing

in Form 'A' signed by him and present it either in person or through a representative authorised in writing in this behalf by such candidate to the Returning Officer signifying his willingness to serve as a member of the panchayat.

(2) On receiving a nomination paper under sub-rule (1), the Returning Officer shall write on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and exact time at which the application was delivered to him.

(3) When an election is held at or about the same time for two or more wards in a village, one and the same person may stand for election in all or any number of such wards.

Explanation.- A person who is unable to write his name shall be deemed to have duly signed the nomination paper if he has placed a mark or thumb impression in the presence of the Returning Officer or any other officer authorised by the Returning Officer in this behalf and such officer on being satisfied as to the identify of that person, has attested the mark or thumb impression as the mark or thumb impression of that person.

9. * *

10. **Deposit on nomination.**- (1) On or before the date appointed for the nomination of candidates each candidate shall deposit or cause to be deposited with the Returning Officer a sum of fifty rupees in cash;

Provided that in a ward in which a seat or seats is or are reserved for the Scheduled Castes, the Scheduled Tribes, the Backward Class of Citizens and Women the sum to be deposited by or on behalf of a candidate who is a member of the Scheduled Castes or Scheduled Tribes or the Backward Class of Citizens or Women shall be rupees ten.

No candidate shall be deemed to be duly nominated unless the deposit referred to in this sub-rule has been made.

(2) Where a candidate by whom or on whose behalf such deposit has been made withdraws his candidature in the manner and within the time specified in rule 13 or where the nomination paper of such candidate is rejected, the deposit shall be returned to the candidate or any other person who made the deposit, as the case may be, and if any candidate dies before the commencement of the poll, such deposit shall be returned (a) if made by him, to his legal representative or (b) if not made by the candidate, to the person by whom it was made.

(3) If a candidate by whom or on whose behalf such deposit has been made is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled divided by the number of members to be elected, the deposit shall be forfeited to the State Government.

(4) For the purposes of sub-rule (3), the total number of votes polled shall be deemed to be the total number of counted voting papers, other than spoilt voting papers.

(5) A deposit made under sub-rule (1), if it is not returned under sub-rule (2), or forfeited under sub-rule (3), shall be returned to the candidate or any other person who made the deposit, as the case may be, as soon after the publication of the result of the election under, rule 37 as may be practicable.

11. Scrutiny of nominations.- (1) At the time and place appointed for the scrutiny of nominations, intending candidates and any other person duly authorised in writing by such intending candidate shall alone be entitled to be present. The Returning Officer shall allow such persons reasonable facilities for examining the nomination papers of intending candidates.

(2) The Returning Officer shall examine the nomination papers and decide all objections which may be made before him to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he considers necessary, reject a nomination paper on any of the following grounds, namely :-

(i) that the candidate is disqualified or is not qualified under the Act or these rules for election; or

(ii) that the candidate has failed to comply with any of the provisions required by these rules or the Act.

(2A) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(3) For the purpose of sub-rule (1) the production of a certified copy of an entry made in the list of voters shall be conclusive evidence of the right of any voter named in that entry to stand for election unless it is proved that the candidate is disqualified.

12. Completion of scrutiny.- (1) The scrutiny shall be completed on the day appointed in this behalf.

(2) The Returning Officer shall, on the same day, endorse on each nomination paper his decision accepting or rejecting the same, and, if the nomination paper is rejected, shall record a brief statement of his reasons for such rejection.

(3) Immediately after, all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidate, that is to say, candidates whose nominations have been found valid, and affix it on the notice board of the village panchayat office and the village Chavdi, or if there is no village Chavdi, at any other conspicuous public place in the village.

13. Withdrawal of candidates.- (1) Any candidate may withdraw his candidature by a notice in writing subscribed by him and delivered to the Returning Officer between the hours of eleven o'clock in the afternoon and three o'clock in the afternoon on the day not later than the last day appointed for the withdrawal of candidature under rule 7. Such notice may be delivered either by the candidate in person or by a person authorised in writing by him

in this behalf. Any notice of withdrawal which is given after the expiry on such last day shall not have any effect.

(2) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

(3) The Returning Officer, on receiving notice of withdrawal under sub-rule (1) shall, as soon as may be thereafter, cause a notice of withdrawal to be affixed at the Village Chavdi and at the Village Panchayat Office.

Explanation.- A person who is unable to write his name shall be deemed to have duly signed the nomination paper if he has placed a mark or thumb impression in the presence of the Returning Officer or any other officer authorised by the Returning Officer in this behalf and such officer on being satisfied as to the identify of that person, has attested the mark or thumb impression as the mark or thumb impression of that person.

14. Preparation of list of contesting candidates and notice of election.- (1) On the expiry of the period for the withdrawal of candidature provided in rule 13, the Returning Officer shall prepare under his signature a list of contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawal their candidatures within the said period and post it or cause it to be posted up at the village panchayat office and at the village Chavdi, of it there be no village Chavdi, at any other conspicuous public place in the village at least five days before the date appointed for the poll.

(2) On the day immediately preceding the day appointed for recording votes, the Returning Officer shall cause notice to be given in the village by beat of drum inviting all voters to be present on such day during the hours and at the polling stations fixed for recording votes.

14A. Death of candidate before Poll.- If contesting candidate dies and a report of his death is received by the Returning Officer

before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to an officer authorised by the State Election Commissioner and all proceeding with reference to the election shall be commenced anew in all respects as if for a new election :

Provided that, --

(i) no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of countermanding of the poll; and

(ii) no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 13 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

15. **Uncontested elections and failure to elect.**- (1) In any ward in which no seat is reserved for Scheduled Castes or Scheduled Tribes or Backward Class of Citizens of Women -

(i) where the number of candidates duly nominated is equal to the number of seats to be filled, the Returning Officer shall declare the candidates so nominated to be duly elected without any votes being taken;

(ii) where the number of candidates duly nominated is less than the number of seats to be filled, the Returning Officer shall declare the candidates so nominated to be duly elected and in respect of the remaining seats or where there is no candidate duly nominated, in respect of all the seats, it shall be deemed to be that the date duly nominated, in respect of all the seats, it shall be deemed to be that the election has not resulted in the return of the required number of qualified persons willing to take office within the meaning of sub-section (3) of section 10;

(iii) if the number of candidates duly nominated exceeds the number of seats to be filled, votes shall be taken for filling the vacancies in the manner provided by these rules.

(2) In any ward in which seats are reserved for Scheduled Castes or Scheduled Tribes or Backward Class of Citizens or Women, the Returning Officer shall ascertain the number of candidates qualified to fill each reserved seat and thereafter proceeds as follows :-

(i) where the number of candidates qualified to be chosen to fill any of the reserved seats is equal to the number of such seats, all the candidates so qualified shall be declared by the Returning Officer to be elected to fill the respective reserved seats;

(ii) where the number of candidates qualified to be chosen to fill any of the reserved seat is less than the number of such seats, all such candidates shall be forthwith declared to be elected to fill the respective reserved seats; and in respect of the remaining such reserved seats it shall be deemed that the election has not resulted in the return of the required number of qualified persons willing to take office within the meaning of sub-section 10.

(3) In any such ward as is referred to in sub-rule (2),-

(i) where all the remaining seats not dealt with under that sub-rule are unreserved, they shall be filled in the manner provided in sub-rule (1),

(ii) where the remaining seats include any reserved seats not dealt with under that sub-rule, and

(a) if the total number of candidates for these remaining seats is equal to the number of such seats while the number of candidates qualified to fill such remaining reserved seats included therein exceeds the number of such seats, the Returning Officer shall first select from among the

candidates qualified to be elected to the respective reserved seats, by lots to be drawn by him in such manner as he may determine, the candidates to be declared elected to the respective reserved seats and then declare the candidates so elected to be duly elected to fill the reserved seats and thereafter declare the remaining candidates to be duly elected to fill the remaining sets; or

(b) if the total number of candidates for these remaining seats and the candidates qualified to fill the reserved seats included therein exceeds such remaining seats and the reserved seats included therein respectively, votes shall be taken for filling all the seats in the manner specified in these rules.

16. **Assignment of symbols.**- (1) In the case of every contested election, the Returning Officer shall assign to each candidate any one of the symbols notified by the State Election Commission, Maharashtra :

Provided that the Returning Officer may, if in his opinion, it is necessary so to do, add any symbol to the list of symbols notified by the State Election Commission and he shall forthwith inform the State Election Commission of such addition."

Free Symbols allotted by SEC vide its Notification of State Election Commission No. SEC/GEN/2002/CR-22/D-10 dated 5th March, 2002

- | | | |
|-------------------|--------------------|---------------------|
| 1. Aeroplane | 28. Chair | 55. Lady Purse |
| 2. Almirah | 29. Coat | 56. Letter Box |
| 3. Axe | 30. Coconut | 57. Lock and Key |
| 4. Balloon | 31. Comb | 58. Maize |
| 5. Banana | 32. Cot | 59. Nagara |
| 6. Bangles | 33. Cup and Saucer | 60. Neck Tie |
| 7. Basket | 34. Dao | 61. Pressure Cooker |
| 8. Bat | 35. Diesel Pump | 62. Railway Engine |
| 9. Batsman | 36. Dolli | 63. Ring |
| 10. Battery Torch | 37. Electric Pole | 64. Road Roller |
| 11. Bead Necklace | 38. Envelope | 65. Saw |
| 12. Black Board | 39. Fork | 66. Scissors |

13. Book	40. Frock	67. Sewing Machine
14. Bread	41. Frying Pan	68. Shuttle
15. Brick	42. Gas Cylinder	69. Slate
16. Bridge	43. Gas Stove	70. Spoon
17. Brief Case	44. Glass Tumbler	71. Stool
18. Brinjal	45. Hand Pump	72. Table
19. Brush	46. Hanger	73. Table Lamp
20. Bungalow	47. Harmonium	74. Television
21. Cake	48. Hat	75. Tent
22. Camera	49. Ice Cream	76. Toffee
23. Candles	50. Ink Pot and Pen	77. Violin
24. Car	51. Iron	78. Walking Stick
25. Carrom Board	52. Jug	79. Whistle
26. Carrot	53. Kettle	80. Wool
27. Ceiling Fan	54. Kite	

17. **Form of ballot paper.**- The ballot paper shall be printed in Form 'B' appended to these rules and shall contain the names of all the candidates in alphabetical order, together with the distinguishing symbols assigned to each candidate by the Returning Officer under rule 16;

Provided that, the names of candidates declared by the Returning Officer to be elected under rule 15 shall not be entered in the ballot paper.

18. **Specimen ballot paper.**- Specimen ballot paper shall be posted outside the polling station for the guidance of voters before the polling commences.

19. **Election material and ballot boxes.**- (1) The Presiding officers shall each be supplied with a ballot box with an aperture for receipt of ballot papers, a copy of the sections of voter's list pertaining to the polling stations, sufficient number of ballot papers serially numbered and such other materials for the purposes of the polling as may be necessary.

(2) Before the commencement of the poll, the Presiding officer shall show the ballot box empty to such candidates or their agents as may be present at the polling station and shall then lock it

and seal it in such manner as to prevent its being opened without breaking the seal.

20. Admission to polling booth.- (1) On the day of the election, every presiding officer, shall admit to the ante-room of the polling booth at which he presides-

(a) the candidates and such agents as may be selected by the candidates to assist in the identification of voters; and

(b) Polling officers and other public servants on duty;

Provided that, there shall be present at any time in addition to the candidates not more than one agent of each candidate in every polling booth.

(2) Besides the candidates and their agents, only voters and such persons (if any) as may be admissible under special directions given by the presiding officer in this behalf shall be admitted to the polling booth.

21. Candidates and agents not to communicate with voters.-

(1) The candidates and their agents shall not speak to or address any voters in any part of the polling station, but may address to the presiding officer objections to a voter on any one of the following three grounds, namely:-

(i) that the voter's name does not appear in the voter's list as entitled to vote in the ward in respect of which the election is being held;

(ii) that his claim to be a certain voter, whose name is entered in the voter's list, is false;

(iii) that he has already voted at the election.

(2) Any person contravening the provisions of sub-rule (1) may be expelled from the polling station by the presiding

officer, and a person so expelled shall not be re-admitted during the election.

22. **Voters to attend polling stations.**- Every voter desirous of recording his vote shall attend for the purpose at the polling station for the ward for which he is entered in the voter's list on such date and between such hours as have been appointed, by an officer authorised by the State Election Commissioner in this behalf under rule 7.

23. **Recording of votes.**- Votes shall be recorded in accordance with the following provisions, namely :-

(i) every voter shall be entitled to give as many votes as there are seats for filling which votes are to be taken in his ward, but no voter shall give more than one vote to any one candidate;

(ii) there shall be no voting by proxy;

(iii) every ballot paper shall be stamped with such distinguishing mark as the State Election Commissioner may direct and before it is issued to an intending voter, his name and his number in the voter's list shall be called out so that all present can hear them;

(iv) in case where no objection has been raised after recording the serial number of the ballot paper against the entry relating to the voter in the copy of the voter's list, the polling officer shall give the ballot paper to the voter and admit him to the polling room, but not more than one voter shall be admitted to the polling room at a time;

Where objections are raised by candidates and their agents, the presiding officer shall dispose of such objections and when satisfied that the intending voter is entitled to vote and has not yet voted, shall direct the polling officer to give the ballot paper to him after taking his signature or thumb impression and recording the serial number of the ballot

paper against his name in the voter's list. The voter shall then be admitted to the polling room.

(v) the voter shall make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote so however that no part of the mark so made shall appear in the space provided for other candidate. The voter shall thereafter fold the marked ballot paper so as to conceal his vote and insert the folded ballot paper into the ballot box and without undue delay leave the polling room;

(vi) if, the presiding officer is satisfied that owing to blindness or other physical infirmity, a voter is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit the voter to take within him a companion, of not less than twenty-one years of age to the voting compartment for recording the vote on the ballot paper on his behalf in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box :

Provided that, no person shall be permitted to act as the companion of more than one voter at any polling station on the same day :

Provided further that, before any person is permitted to act as the companion of a voter on any day under this rule, such person shall be required to declare that he will keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.

The presiding officer shall keep a record in Form 'B-1' of all cases under this rule;

(vi-a) no ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.

(vii) no ballot paper shall be issued to any voter after the hour fixed for the closing of the poll, except to those voters who are present at the polling station at the time of the closing of the poll. Such voters shall be allowed to record their vote even after the poll closes. If any question arises whether a voter was so present at the polling station, it shall be decided by the presiding officer and his decision shall be final.

23-A. Safeguards against personation.- (1) With a view to prevent personation of voters, every voter, about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or the Polling Officer and an indelible ink mark to be put on it.

(2) If any voter refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

Explanation.- Any reference in this rule to the left forefinger of a voter shall, in the case where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand and shall in the case where all the fingers of his left hand are missing be construed as a reference to the forefinger or any other finger of this right hand, and shall, in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

24. Duties of Presiding and other polling officer.- (1) It shall be the duty of the officers and their assistants to see that votes are recorded with absolute secrecy; that only such persons as may be admitted to the polling booth under these rules are admitted thereto; and that persons who have recorded their votes, or against whom objections have been heard and upheld, leave immediately. It shall also be their duty to see that these rules and any special directions given by the Returning Officer thereunder are strictly observed in all respects.

(2) The presiding officer shall keep the ballot box under his own observation for the purpose of preventing malpractices and securing the observance of the rules.

25. **Returning Officer to supervise conduct of election.**- The election shall be conducted under the general supervision of the Returning Officer.

26. **Voting by Officers on duty at polling station.**- A presiding or polling officer or any other person who is on duty at a polling station at which he has not entitled to vote may, if such officer or person is entitled to vote at the election in connection with which he is employed, record his vote at the polling station.

The ballot papers of such persons shall be enclosed in sealed packets on which the names of the polling stations to which they pertain shall be inscribed and such packets shall be delivered to the Returning Officer with the other articles mentioned in rule 30.

27. **Tendered ballot papers.**- Where a person representing himself to be a particular voter entered in the voters list applies for a ballot paper after another person has voted as such voter, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to receive a ballot paper. The voter shall then record his votes in the manner provided by rule 23 and hand over the ballot paper to the presiding officer. The presiding officer shall write thereon the name of the voter and his number in the voter's list and shall enclose the ballot paper in a separate packet and seal it. Such ballot paper shall not be counted by the Returning Officer and shall be termed "Tendered ballot paper". A list shall be maintained of the ballot paper so tendered in Form "C" appended to these rules.

28. **Spoilt ballot papers.**- A voter who has dealt with his ballot paper may on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper; and the latter shall be marked as "cancelled".

29. **Challenged votes.**- (1) Where any candidate, election agent or polling agent declares and undertakes to prove that any person by applying for ballot paper and claiming to be a particular voter has committed the offence of personation, the presiding officer shall require such person to enter in the list of challenged votes in Form 'D' his name and address or, if he is unable to write, to affix his thumb impression thereto, and may further require such person to produce evidence for identification :

Provided that, no action shall be taken by the presiding officer under this sub-rule unless a sum of two rupees has been deposited in cash with the presiding officer by the candidate or such agent for each challenge he makes.

(2) Where the person so challenged refuses to comply with such requisition, he shall not be permitted to vote. But if such person does so comply, and on being questioned, gives unqualified answer in the affirmative to a question put on him whether he is the person named in the list and in the negative to a question whether he has voted at the said election in the ward or in any other ward, he shall be allowed to vote after he has been warned of the penalty for personation.

(3) Where the presiding officer after such inquiry on the spot as he thinks necessary is of opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to the State Government and his order in this respect shall be final.

(4) Where the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The presiding officer shall, in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of challenged votes.

30. Sealing of ballot boxes, etc.- (1) The presiding officer shall, as soon as practicable after the close of the poll, in the presence of any candidate or representative of a candidate, if present, seal the aperture of the ballot boxes and seal with his own seal and the seal of any candidate or representative who may desire to affix his seal each ballot box in use at the polling station, unopened but with the key attached.

(2) The presiding officer shall then make up into separate (3) packets -

- (i) the unused ballot papers;
- (ii) the tendered ballot papers;
- (iii) spoiled ballot papers;
- (iv) the marked copies of the voters list;
- (v) the tendered votes list; and
- (vi) list of challenged votes.

He shall seal with his own seal and the seal of any candidate or a representative of such candidate who may desire to affix his seal, all the packets prepared under this rule.

(3) The ballot box and the packets, shall be forwarded by the Presiding officer to the Returning Officer or any other person appointed by the Returning Officer to take charge of them till the votes are counted. He shall also forward with them a ballot paper account prepared in Form 'E' appended to these rules and enclose it in a separate sealed cover with the words "Ballot Paper Accounts" subscribed thereon.

31. Adjournment of poll in emergencies.- (1) Where at an election the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or where at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Returning Officer or the presiding officer for such polling station shall announce an adjournment of the poll to a date to be appointed later, and where the poll is so adjourn by the presiding officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to an officer authorised by the State Election Commissioner, who shall as soon as may be, appoint under rule 7, the day on which the poll shall recommence and the hours during which, the poll shall be taken. The Returning Officer shall not count the votes at such election until such adjourned poll shall have been completed.

(3) The provisions of these rules shall mutatis mutandis apply to the adjourned poll taken under this rule as they apply to the original poll.

31A. Fresh poll in case of destruction, etc. of ballot boxes.- (1)
If at any election,-

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the presiding officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained, or

(b) any such error or irregularity in procedure as is likely to vitiate the poll, is committed at a polling station, the Returning Officer shall forthwith report the matter, to an officer authorised by the State Election Commissioner.

(2) Thereupon, an officer authorised by the State Election Commissioner shall after taking all material circumstances into account, either--

(a) declare the poll at the polling station to be void, appoint a day and fix the hours, for taking a fresh poll at that polling station and notify the day so, appointed and the hours so fixed in such manner as he may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station will not in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as he may deem proper for the further conduct and completion of the election.

32. **Counting of votes.**- (1) The counting of votes shall be done by and under the supervision of the Returning Officer with the assistance of such persons as he may appoint to assist in the counting of votes.

(2) On the day and at the time and place appointed under rule 7, for the counting of votes, the Returning Officer shall with respect to ballot boxes used at the poll proceed as followed:-

(i) All the ballot boxes placed of the counting of votes shall be counted and checked and the Returning Officer shall satisfy himself that all such boxes as contain the ballot papers which are to be counted at such places have been received and accounted for.

(ii) The Returning Officer shall then allow the candidates and their election agents and counting agents presents at the counting an opportunity to inspect the ballot boxes and their seal for satisfying themselves that they are in order.

(iii) The Returning Officer shall also satisfy himself that none of the boxes has in fact been tampered with.

(iv) If the Returning Officer is satisfied that all such ballot boxes as contain the ballot papers which are to be counted at such place have been received and are in order, he shall take up the counting of ballot papers contained in the ballot boxes.

(v) After each ballot box is opened for counting, clearly valid ballot papers shall be separated from invalid and doubtful ballot papers. The invalid and doubtful ballot papers shall be submitted to the Returning Officer for decision. The valid ballot papers shall thereafter be taken for counting and the votes recorded in favour of each candidate shall be counted with the aid of persons appointed to assist in the counting of votes.

(vi) The Returning Officer shall allow the candidates and their election and counting agents, who may be present, reasonable opportunity to inspect all ballot papers, which in the opinion of Returning Officer are liable to be rejected but shall not allow them to handle those or any other ballot papers. The Returning officer shall on every ballot paper which is rejected, endorse the word "rejected". If any candidate or his election or counting agent questions the correctness of the rejection of any ballot paper, the Returning Officer shall also record briefly on such ballot paper the grounds for its rejection.

(vii) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, all the valid ballot papers shall be bundles together and kept along with the bundle of rejected ballot papers in a separate packet which the Returning Officer shall cause to be sealed up and on which shall be recorded the following particulars, namely:-

- (a) the name of the village panchayat,
- (b) the number or name of the ward.
- (c) the particulars of the polling station where the ballot papers have been used, and
- (d) the date of counting.

(3) The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes and shall, during the intervals when the counting has to be suspended, keep the ballot papers, packets and other documents relating to the election sealed with his own seal and the seal of such candidates or election or counting agents as may desire to affix their seals shall cause adequate precautions to be taken for their safe custody.

(4) After the counting of ballot papers contained in all the ballot boxes used at all the polling stations has been completed, the Returning Officer shall prepare a consolidated statement recording therein the total number of votes polled by each candidate.

33. **Grounds for rejection of ballot papers.**- (1) A ballot paper contained in a ballot box shall be rejected if --

(a) it bears any mark or writing by which the voter can be identified.

(b) it bears any serial number and prefix or suffix or mark different from the serial numbers and prefixes or suffixes or marks of ballot papers authorised for use at the polling station at which the ballot box in which it was found, was used;

(c) the Returning Officer is satisfied that it is a spurious ballot paper or that it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established;

(d) a voter has recorded more votes than he is entitled to give or has recorded more than one vote for any one candidate;

Provided that --

(i) where a Returning Officer is satisfied that any such defect as is mentioned in clause (b) has been caused by any mistake or failure on the part of the presiding officer or the polling officer, the ballot paper shall not be rejected merely on the ground of such defect;

(ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(2) The decision of the Returning Officer as to the validity of a ballot paper contained in a ballot box shall be final.

34. **Returning Officer to declare result of election.**- (1) On completion of the statement showing the number of votes recorded, the Returning Officer shall from amongst the candidates qualified to be chosen to fill reserved seat, if any, declare subject to the provisions of rule 5 the candidate who has secured the largest number of votes to be elected to fill such reserved seat :

Provided that, if in the same ward there is a reservation of seats for women and for the Scheduled Castes, the Scheduled Tribes, the Backward Class of Citizens and Women the result of the seat or seats reserved for Scheduled Castes or Scheduled Tribes or Backward Class of Citizens shall be declared first and then the result of the seat or seats reserved for women.

(2) The Returning Officer shall then declare the results of unreserved seat or seats from among the candidates who have contested election from unreserved seat and who have secured the largest number of votes to be elected to fill the unreserved seat or seats.

(3) Where an equality of votes is found to exist between any candidates either for the reserved or the unreserved seats and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such an additional vote shall be deemed to have been given shall be made by lots to be drawn in the presence of the Returning Officer and the candidates or their agents who may desire to be present, and in such manner as the Returning Officer may determine.

35. **Recount of votes.**- (1) After such declaration has been made, a candidate, or, in his absence his election agent may apply in writing to the Returning Officer for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount.

(2) On such an application being made the Returning Officer shall decide the matter and may allow the application in whole or in part, or may reject it in toto if it appears to him to be frivolous or unreasonable.

(3) Every decision of the Returning Officer under sub-rule (2) shall be in writing and contain the reasons therefor.

(4) If the Returning Officer decides under sub-rule (2) to allow an application whether in whole or in part, he shall--

(a) count the ballot papers again in accordance with this decision.

(b) amend the statement showing the number of votes recorded, referred to in sub-rule (4) of rule 32 to the extent necessary after such recount; and

(c) announce the amendments so made by him and the result of the election.

36. Posting of result of election by Returning Officer.- The Returning Officer shall cause the names of the elected candidates to be posted at the Village Chavdi or at the Village Panchayat Office or at such other public place, if any, appointed in that behalf by him and shall report such names immediately to the State Election Commissioner.

37. Publication of result of election.- The State Election Commissioner shall forward the names of the elected persons to the Standing Committee and if the number of persons elected is less than the total number of members for the panchayat, the State Election Commissioner shall call upon the Standing Committee to make appointments to the remaining seats under sub-section (3) of section 10.

Where two-thirds or more of the total number of members required to be elected are elected, the State Election Commissioner shall, within ten days from the date of receipt of the result of the election, publish the names of the elected members as reported by the Returning Officer, by causing a list of such members to be posted up at his office, the village Chavdi and at the office of the village panchayat. Where the election results in the return of less than two-thirds of the total number of qualified persons willing to take office, the State Election Commissioner shall, within ten days from the date of receipt from the Standing Committee of the names of members appointed under sub-section (3) of section 10, publish the names of all the elected and appointed members at the places referred to above.

The State Election Commissioner shall also similarly publish the names of members appointed under sub-section (3) of section 10 after their appointments.

Provided that the State Election Commissioner shall, before the publication of the names of the elected, and appointed members, be competent to correct any mistakes, if any, in the names of the elected and appointed members.

38. Record of proceedings.- The Returning Officer shall keep a record of the proceedings of every election.

39. Custody of papers relating to election.- The Returning Officer shall keep in custody the statements, packets and other documents referred to in rules 30 and 32 and all other papers relating to the election.

40. Production and inspection of election papers.- (1) While in the custody of the Returning Officer -

- (a) the packets of unused ballot papers;
- (b) the packets of used ballot papers whether valid, tendered or rejected;
- (c) the packets of marked copies of the list of voters;

shall not be opened and their contents shall not be inspected by, or produced before shall not be opened and their contents shall not be inspected by, produced before any person or authority except under the order of a competent court or authority.

(2) All other papers relating to the election shall be open to public inspection.

41. Destruction of ballot and other papers.- (1) On the expiry of two months from the date of the publication of the result of the election or where an application challenging the validity of an election has been made on the expiry of two months from the date of the decision on such application, whichever is later, the

Returning Officer shall, with the previous sanction of an officer authorised by the State Election Commissioner destroy the ballot papers.

(2) All other papers relating to the election shall be retained until the termination of the next election of the village panchayat and shall, thereafter, be destroyed, subject to any direction to the contrary given by the State Election Commissioner or a competent court or authority.

41A. Multiple election.- If a person is elected to more than one seat in a village panchayat, the time within which he may resign all but one of the seat under section 13-A shall be seven days from the date of the posting of the result of the election by the Returning Officer under rule 36.

42. List of voters and notification about the various stages of election etc. in regional language.- The lists of voters and the notice for public inspection of the lists under rule 3, and notification about the various stages of the election and notice of the intended election under rule 7 shall be in the regional language of the village.

43. Casual vacancies.- The provisions of these rules shall, mutatis mutandis apply to bye-elections provided that --

(i) no publication of voter's list as provided in the case of general election under sub-rule (5) of rule 3, shall be necessary in the case of a bye-election;

44. Powers of the State Election Commissioner to delegate his powers under these Rules.- The State Election Commissioner may delegate to an officer authorised by him not below the rank of a Tahsildar power exercisable by him under these rules.

44A. No change in division of wards and reservation of seats for election after dissolution.- In case of dissolution of a Village panchayat before the expiry of its term, the elections to such Village panchayat shall be held without making any changes in the formation of wards, reservation of seats and other related matters.

45. **Repeals and savings.**- The Bombay Village Panchayats Election Rules, 1948 and all other rules corresponding thereto in force in any part of the State immediately before the commencement of these Rules are hereby repealed :

Provided that, anything done or any action taken under any of the rules so repealed shall, unless such thing or action is inconsistent with any of the provisions of these Rules, be deemed to have been done or taken under the corresponding provisions of these Rules.

FORM 'AA'
[See rule 7(2)]
Notice of Election

Notice is hereby given that

(1) An election is to be held of a member(s) to the Village Panchayat in the Ward:

(2) (here state designation) has been appointed as the Returning Officer to hold the elections;

(3) Nomination papers may be delivered by the candidate or through a representative authorised in writing in this behalf by such candidate to the Returning Officer at (place) between and (time) on any day (other than a public holiday) not later than the

(4) Forms of nomination paper may be obtained at the place and time aforesaid;

(5) The nomination papers will be taken up for scrutiny at (time) on (date) at (place);

(6) Notice of withdrawal of candidature may be delivered by a candidate in person or by a person authorised in writing by him in this behalf to the Returning Officer specified in clause (2) above at his office before 3.00 on the

(7) In the event of the election being contested, the poll will be taken on (date) between the hours of and (time).

Place :

Date :

An officer authorised by the
State Election Commissioner

.....

ANNEXURE
Form 'A'
[See rule 8]

Nomination Paper

Name of the Ward for which
the candidate is nominated

Full name of candidate

Sex :

Age :

Address :

In the case of a ward in which a seat is reserved for Scheduled Castes, Scheduled Tribes or Backward Class of Citizens and Women (including for women belonging to the Scheduled Castes, Scheduled Tribes or Backward Class of Citizens), state whether or not belonging to such castes, tribes and Backward Class of Citizens, which seat or seats is or are reserved. If belonging to a Scheduled name of the Caste or Tribe or Backward Class of Citizens, state the name of the caste or tribe or Backward Class of Citizens, if contesting in a seat reserved for women, state so :

Name of ward in which candidate is entitled to vote and his number in List of Voters :

I hereby declare that I am willing to
serve as a member if elected.

Date :

Serial No. :

Signature of Candidate.

Date on which and time at which nomination appear was delivered to
Returning Officer :

RECEIPT

Date :

Signature of the Returning Officer

FORM 'B'

(See rule 17)

Form of Ballot paper

Serial No.

..... Village Panchayat

Election for Ward

Name of candidate

1

Symbol assigned

2

.....
.....
.....
.....

.....
.....
.....
.....

Please read this carefully before recording your vote(s):-

- (1) You have vote(s).
- (2) One mark means one vote.
- (3) Do not put more than one mark, opposite the name of any candidate.
- (4) Do not put more than mark(s) in all.

FORM 'B-1'

[See rule 23(vi)]

List of Blind and Infirm Voters

Election to the

Ward No.

Polling Station

Serial No. of Voter	Full Name of the voter	Full name of companion	Address of companion	Signature / Thumb Impression of companion
1	2	3	4	5

Signature of Presiding Officer

FORM 'C'

(See rule 27)

Tendered Votes List

The Village panchayat of
..... Polling Station

Name or Number of ward	Name of voter	Number in voters' List
1	2	3

Signature of Presiding Officer

Form 'D'
(See rule 29)
List of Challenged Votes

Election to the Village Panchayat
Polling Station

Name of voter	Serial number of voter in the list of voters	Signature or thumb impression of voter and his address	Name of identifier, if any	Name of persons challenging	Amount of deposit made	Orders of Presiding Officer in each case	Signature of challenger acknowledging receipt of deposit when deposit is returned
1	2	3	4	5	6	7	8

Date :

Signature of Presiding Officer

FORM 'E'
[See rule 30(3)]
Ballot Paper Account

Election to the Village Panchayat
Ward No.
Polling Station

Serial No. (1)	Total No. (2)
1. Number of the ballot papers received by the Presiding Officer at the Polling Station.	
2. Number of ballot papers issued to voters	
3. Number of unused ballot papers returned	
4. Number of ballot papers canceled	
5. Number of tendered ballot papers used	
6. Number of ballot papers in ballot boxes	

Date :

Signature of the Presiding Officer