

The Goa Municipalities (Amendment) Bill, 2016

(Bill No 6 of 2016)

A

BILL

further to amend the Goa Municipalities Act, 1968 (Act No. 7 of 1969).

Be it enacted by the Legislative Assembly of Goa in the Sixty-sixth Year of the Republic of India, as follows:

1. **Short title and commencement.**-(1) This Act may be called the Goa Municipalities (Amendment) Act, 2016.

(2)The provisions of section 2 and section 3 of this Act shall be deemed to have come into force on the 10th day of September, 2015 and on the 30th day of October, 2015, respectively.

2. **Amendment of section 9.**- In section 9 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (herein after referred to as the “principal Act”) in sub-section (2),-

(i) for clause (b), the following clause shall be substituted, namely:-

“(b) the number of seats, if any, to be reserved for the Scheduled Castes or Scheduled Tribes so that such number shall bear, as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and not less than one – third of such seats shall be reserved for women and such seats shall be allotted by rotation to different wards in the Council.”;

(ii) after clause (b), the following clause shall be inserted, namely:- “ (bb) the number of seats , if any, to be reserved for persons belonging to the category of Other Backward Classes so that such number shall be twenty seven percent of the number of seats to be filled in through election in the Council and such seats shall be allotted by rotation to different wards in the Council.”;

(iii) in clause (c), the expressions “or the Other Backward Class” and “or of the Other Backward Class” shall be omitted.”.

3. **Amendment of section 42.**- In section 42 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:- “(2 A) At the first meeting of the Council, every Councillor shall take oath of office in such form, and before such officer, as the Government may, by notification in the Official Gazette, specify. No Councillor who has not taken such oath shall vote or take part in the proceedings of any meeting of the Council.”.

4. **Repeal and Saving.**- (1) The Goa Municipalities (Amendment) Ordinance 2015 (Ordinance No. 5 of 2015) and the Goa Municipalities (Amendment) Ordinance, 2015 (Ordinance No. 7 of 2015) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinances, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Statement of Objects and Reasons

The Bill seeks to amend section 9 of the Goa Municipalities Act, 1968(Act 7 of 1969) (hereinafter referred to as the “said Act”) so as to have 27% reservation for Other Backward Class in Municipal Council.

The Bill further seeks to amend section 42 of the said Act so as to make it mandatory for the Councillors to take oath of office at the first meeting of the Council and to prohibit the Councilor, who does not take such oath, from voting and taking part in the proceedings of any meeting of the Council.

The Bill also seeks to replace the Goa Municipalities (Amendment) Ordinance, 2015 (Ordinance No.5 of 2015) and the Goa Municipalities (Amendment) Ordinance, 2015 (Ordinance No. 7 of 2015), promulgated by the Governor of Goa on 10th September, 2015 and 30th October, 2015, respectively.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 3 of the Bill empowers the Government to specify the form of oath and the Officer before whom such oath is to be taken by the Councillors, by notification in the Official Gazette. This delegation is of normal character.

Porvorim-Goa.
12th January, 2016,

Francis D’Souza
Minister for Urban Development

Assembly Hall.
Porvorim– Goa
12th January, 2016.

NilkantSubhedar
Secretary to the Legislative Assembly Goa.

ANNEXURE

Extract of the Section 9 and 42 of the Goa Municipalities Act 1968

Composition of Councils: - (1) Save as otherwise provided by this Act, every Council shall consist of Councillors elected at ward elections;

Provided that -

(1) in every Council, no less than $(1/3)$ seats shall be reserved for women;

(2) in every Council, seat shall also be reserved for Scheduled Caste, Scheduled Tribes and Other Backward Class for woman belonging to Scheduled Caste, as the case may be, the Scheduled Tribes and Other Backward Class as provided in sub-section (2)

(2) The Director shall from time to time by an order published in the Official Gazette fix for each municipal area-

(a) The number of elected Councillors in accordance with the following table:

Class of Municipal area

Number of elected Councillors

(i) 'A' Class The minimum number of elected Councillors shall be 15 and for every 3,000 of the population or part thereof above 50,000 there be one additional elected Councillors, so, however, that the total number of elected Councillors shall not exceed 20;

(ii) 'B' Class The Minimum number of elected Councillors shall be 10 and for every 3,000 of the population or part thereof above 10,000 there shall be one additional elected Councillors, so, however, that the total number of elected Councillors shall not exceed 15;

(ii) 'C' Class The number of elected Councillors shall be 10.

(b) the number of seats, if any, to be reserved for the Schedule Castes, Schedule Tribes or the Other Backward Class so that such number shall bear as nearly as may be, the same proportion to the number of elected

Councillors as the population of the Schedule Caste, Schedule Tribes or of the Other Backward Class in the municipal area bears to the total population of that area and not less than one-third of such seats shall be reserved for women and such seats shall be allotted by rotation to different constituencies in a municipal area.

(c) the number of seats for the office of Chairperson in the Council for Schedule Castes, the Schedule Tribes or the Other Backward Class and women so that such number will bear as nearly as may be, the same proportion to the number of elected Councillors as the population of the Schedule Castes, the Schedule Tribes or of the Other Backward Class in the municipal area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a council.

(3) The reservation of seats for Schedule Castes and Schedule Tribes made by an order under sub-section (2) shall cease to have effect when the reservation of seats for those Castes and Tribes in the House of the People ceases to have effect under the Constitution of India:

Provided that nothing in this sub-section shall render any person elected to any such reserved seats ineligible to continue as a Councillor during the term of office for which he was duly elected by reason only of the fact that the reservation of seats has so ceased to have effect.

42. Term of office of Councillors.- (1) The Councillors elected at a general election, shall hold office for a term of 5 years.

(2) The term of office of such Councillors, shall be deemed to commence on the date of the meeting after the general election.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the term of office of the outgoing Councillors shall be deemed to extend to and expire with the day immediately preceding the date of such meeting.

(4) A Councillor elected at a bye-election shall hold office so long only as the Councillor in whose place he is elected would have held it if the vacancy had not occurred.

(5) Deleted

(6) Deleted

(7) The term of office of a Councillor elected at a general election whose result is published in the Official Gazette under sub-section (1) of section 20, after the first publication of the results thereunder, shall commence with effect from the date on which his name is published in the Official Gazette but shall be co-terminous with the term of the elected Councillors whose results are first published as aforesaid.

Assembly Hall,
Porvorim – Goa
12th January, 2016.

NilkanthSubhedar
Secretary to the Legislative
Assembly of Goa.