



LEGISLATIVE ASSEMBLY OF GOA

The Goa Panchayat Raj
(Sixth Amendment) Bill, 2002

(Bill No. 6 of 2002)

~~To be~~ ^{As} introduced in the Legislative Assembly)

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
AUGUST, 2002

THE GOA PANCHAYAT RAJ (SIXTH AMENDMENT) BILL, 2002

(Bill No. 6 of 2002)

A

BILL

further to amend the Goa Panchayat Raj Act, 1994.

Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-third Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Panchayat Raj (Sixth Amendment) Act, 2002.

(2) It shall be deemed to have come into force on the 1st day of April, 2002.

2. Amendment of section 48.— For section 48 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994) (hereinafter referred to as the “principal Act”), the following shall be substituted, namely:—

“48. *Term of office and conditions of service of Sarpanch, Deputy Sarpanch and directly elected members of the Panchayat.*—

(1) The term of office of every Sarpanch and every Deputy Sarpanch of the Panchayat shall, save as otherwise provided in this Act, cease on expiry of his term of office as a member of the Panchayat.

(2) Salary and other conditions of service of Sarpanch, Deputy Sarpanch and directly elected members of the Panchayat shall be as prescribed.”

3. *Amendment of section 134.*— For section 134 of the principal Act, the following shall be substituted, namely:—

“134. *Salary and allowances to the Adhyaksha, Upadhyaksha and elected members of the Zilla Panchayat.*— The salary and allowances of the Adhyaksha, Upadhyaksha and elected members of the Zilla Panchayat shall be as prescribed”.

4. *Amendment of section 162.*— In section 162 of the principal Act, in sub-section (2), for clause (i), the following shall be substituted, namely:—

“(i) Payment of salaries and allowances to the Sarpanch, Deputy Sarpanch, elected members of the Panchayat or members of any committee thereof and the staff of the Panchayat, subject to such rules as may be prescribed.”

5. *Amendment of section 168.*— In section 168 of the principal Act, in sub-section (2), for clause (a), the following shall be substituted, namely:—

“(a) Salaries and allowances to the Adhyaksha, Upadhyaksha and elected members of the Zilla Panchayat or members of any committee thereof and travelling and daily allowances to the Adhyaksha and Upadhyaksha for tours outside the district, subject to such rules as may be made in this behalf by the Government”.

~~Panaji~~ Goa
Dated: 29/08/20

STATEMENT OF OBJECTS AND REASONS

The existing provisions contained in the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), do not entitle the members elected on the Panchayat or Zilla Panchayat for salaries.

The present Bill seeks to provide for payment of salaries and allowances to the directly elected members of the Zilla Panchayats including the Adhyaksha, Upadhyaksha and directly elected members of the Village Panchayats including the Sarpanch and Deputy Sarpanch by amending sections 48 and 134 of the said Act, suitably.

The Bill also seeks to amend sections 162 and 168 of the said Act so as to do away with the provisions relating to sitting fees to the said members since they will now be entitled for salaries and allowances.

This Bill seeks to achieve above objects.

FINANCIAL MEMORANDUM

The Bill seeks to provide for payment of salaries and allowances to all the directly elected members of the Zilla Panchayats including the Adhyaksha and Upadhyaksha and directly elected members of the Village Panchayats including the Sarpanch and the Deputy Sarpanch. The exact amount of additional funds required per annum has been worked out at Rs. 3,06,51,000/-. The budget provision has been made in the budget esti-

mates for the year 2002-03 for payment of grants to the Zilla Panchayats and Village Panchayats for the above purpose

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 2 and 3 of the Bill empower the Government to frame rules specifying the salary and other conditions of service of the Adhyaksha, Upadhyaksha, Sarpanch, Deputy Sarpanch and other elected members of the Zilla Panchayat and the Panchayat.

This delegation is of normal character.

Governor's recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, Mohd. Fazal, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Panchayat Raj (Sixth Amendment) Bill, 2002.

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Panaji - Goa
August, 2002

MANOHAR AZGAONKAR
Minister for
Panchayat Raj

9th
Assembly Hall,
Porvorim, Goa,
August, 2002.

S. A. NARVEKAR
Secretary to the
Legislative Assembly
of Goa

ANNEXURE

Extract of the Panchayat Raj Act, 1994
(Goa Act 14 of 1994)

48 : *Term of office and conditions of service of Sarpanch and Deputy Sarpanch.*— (1) The term of office of every sarpanch and every Deputy Sarpanch of the Panchayat shall, save as otherwise provided in this Act; cease on the expiry of his term of office as a member of the panchayat.

2) Salary and other conditions of service of Sarpanch and Deputy Sarpanch shall be as prescribed.

134: *Salary and Allowances to the Adhyaksha and Upadhyaksha and other members.*— (1) The salary and allowances of Adhyaksha and Upadhyaksha shall be a prescribed.

2) Every member of the Zilla Panchayat other than the AdhyaKshya and the UpadhYaksha shall be entitled to receive, such sitting fee and allowances as may be prescribed.

162: *Application of panchayat Fund and property.*— Subject to the provisions of this Act and rules made thereunder and such general or special orders of the Government all property owned by, or vested in the Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purpose for which by or under this Act, or any other law for the time being in force, powers are conferred or duties are imposed upon the Panchayat :

Provided that no expenditure shall be incurred out of the Panchayat fund unless provision therefor has been made in the budget of the Panchayat or funds

are obtained by re-appropriation duly approved except in such cases as may be prescribed.

(2) The Panchayat Fund shall also be utilised for the following purposes :—

(i) payment of salaries and allowances to the Sarpanch and Deputy Sarpanch, Officers and staff travelling allowance, daily allowance and sitting fees to the members of the Panchayat or any Committee thereof, subject to such rules as may be prescribed.

(ii) any amount falling due on any loan raised by the Panchayat;

(iii) with the previous sanction of the Chief Executive Officer, for any other purpose for which the application of such property or fund is necessary in public interest;

Provided that any amount granted to the Panchayat by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify, either generally or specially in this behalf.

168. *Application of Zilla Panchayat Fund and property* — (1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government may make, all property owned by or vested in the Zilla Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force shall be applied for the purposes for which by or under this Act or any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat:

Provided that no expenditure shall be incurred out of the Zilla Panchayat Fund unless provision therefor has been made in the budget of the Zilla Panchayat or

funds are obtained by reappropriation duly approved except in such cases as may be prescribed.

(2) The Zilla Panchayat Fund and all property held or vested in the Zilla Panchayat under this Act shall be applied subject to the provisions of this Act for the payment of, —

(a) salaries and allowances to the Adhyaksha and the Upadhyaksha and travelling and daily allowances to the Adhyaksha and Upadhyaksha for tours outside the district and travelling and daily allowance to the members of the Zilla Panchayat or any committee thereof subject to such rules as may be made in this behalf by the Government.

(b) the salaries, allowances, pensions and gratuities of its officers and employees other than those whose salaries and allowances are paid from the Consolidated Fund of the State;

(c) any amounts falling due on any loans contracted by the Zilla Panchayat;

(d) for the purposes specified in this Act;

(e) all other purposes for which by or under this Act or the rules or regulations made thereunder or by or under any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat;

(f) with the previous sanction of the Government, for any other purpose for which the application of such property or fund is necessary in public interest;

Provided that any fund granted to the Zilla Panchayat by the Government or any persons or local authority for any specific work or purpose, shall be applied exclusively for such work or purpose and in accordance with such instruction as the Government may specify, either generally or specially in this behalf.