



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA PANCHAYAT RAJ
(AMENDMENT) BILL, 2007**

(Bill No. 2 of 2007)

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(~~To be~~ introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
JANUARY, 2007**

**THE GOA PANCHAYAT RAJ (AMENDMENT)
BILL, 2007**

(Bill No. 2 of 2007)

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BILL

*further to amend the Goa Panchayat Raj
Act, 1994.*

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

1. *Short title and commencement.*— (1) This
10 Act may be called the Goa Panchayat Raj
(Amendment) Act, 2007.

(2) It shall be deemed to have come into force
on the 4th day of December, 2006.

2. *Amendment of section 7.*— In section 7 of the
15 Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994)
(hereinafter referred to as the "principal Act"),
after sub-section (8), the following *Explanation*
shall be inserted, namely:-

20 "*Explanation.*— In this section, the expression
"population" means the population as ascertained
at the last preceding census of which the relevant
figures have been published, but where figures of
census are not available, the population shall be
ascertained from other relevant authenticated
records maintained by the Government."

3. *Amendment of section 180.*— In section 180 of the principal Act, in sub-section (1),—

(i) in clause (c), after the figure “;”, the word “or” shall be inserted;

(ii) after clause (c), the following clause shall be inserted, namely:— 5

“(d) on the expiry of the term of the members of any Panchayat or any Zilla Panchayat, general elections to such Panchayat or to such Zilla Panchayat cannot be held;” 10

4. *Repeal and Saving.*— (1) The Goa Panchayat Raj (Amendment) Ordinance, 2006 (Ordinance No. 7 of 2006), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act. 15

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) (hereinafter referred to as the “said Act”), so as to give the meaning of the word “population” for the purpose of section 7 of the said Act. The Bill also seeks to amend section 180 of the said Act so as to empower the Government to appoint an Administrator, when, on expiry of the term of the members of any Panchayat or any Zilla Panchayat, general elections to such Panchayat or to such Zilla Panchayat cannot be held.

The Bill also seeks to repeal the Goa Panchayat Raj (Amendment) Ordinance, 2006 (Ordinance No. 7 of 2006) and correct the error in the said Ordinance by inserting clause (d) instead of clause (c) in sub-section (1) of section 180 of the said Act.

This Bill seeks to achieve the above objects.

Financial Memorandum

There are no financial implications involved in this Bill.

Memorandum Regarding Delegated Legislation.

No delegated legislation is involved in this Bill.

Assembly Hall, SHRI SUBHASH SHIRODKAR,
Porvorim-Goa, Minister for Panchayats
Dated:- 19.01.2007.

Assembly Hall, SHRI T. N. DRUVA KUMAR,
Porvorim-Goa, Secretary (Legislature)
Dated:- 19.01.2007.

(Annexure to Bill No. 2 of 2007)

**The Goa Panchayat Raj Act, 1994
(Act 14 of 1994)**

Section 7:- Constitution of Panchayats.— (1) A Panchayat shall consist of such number of members as the Government may, by order, determine, so far as may be in accordance with the following Table:—

TABLE

For a Panchayat with a population of	Number of members	Classification
(1) 1500 or more but not more than 2000	5	D
(2) more than 2000 but not more than 5000	7	C
(3) more than 5000 but not more than 8000	9	B
(4) more than 8000	11	A

- (2) All the members of a Panchayat shall be elected.
- (3) The Director shall divide each Panchayat area into wards the number of which shall be equal to the number of members determined in respect of such Panchayat under sub-section (1).
- (4) In every Panchayat, seats shall be reserved for the Scheduled Castes and the Scheduled Tribes and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats in the Panchayat as the population of the Scheduled Castes

and the Scheduled Tribes in the Panchayat area bears to the total population of the Panchayat area:

Provided that Government may by notification reserve any seat reserved for Scheduled Castes and Scheduled Tribes for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes.

[“Provided further that the Government may, by order published in the Official Gazette, direct any Panchayat to co-opt in such manner as may be prescribed, a person belonging to the Scheduled Caste, where there is a reasonable population of the Scheduled Caste but the reservation may not be made.”.]

(5) The Government may, by notification reserve such number of seats in any Panchayat as may be considered necessary, taking into account the population of the backward classes in the Panchayat area, for persons belonging to the backward classes.

(6) Not less than one third (including the number of seats reserved for women belonging to Scheduled Castes or Scheduled Tribes) of the total number or seats to be filled by direct election in every Panchayat shall be reserved for women.

Provided that the seats reserved under sub-sections (4), (5) and (6) shall be allotted by rotation to different wards in the Panchayat area:

Provided further that nothing contained in this section shall be deemed to prevent a woman or a person belonging to the Scheduled Castes and Scheduled Tribes or Backward Classes from contesting for elections to any non-reserved ward in such Panchayat.

(7) Notwithstanding anything contained in sub-section (1), where two-thirds of the total number of

members are required to be elected or have been elected, failure to elect the remaining members shall not affect the constitution of the Panchayat.

(8) The Director shall publish, in the prescribed manner, the names of members elected or deemed to have been duly elected to a Panchayat.

Section 180:— Power to appoint Administrator in certain cases.— (1) Whenever,—

- (a) any general election to a Zilla Panchayat or Panchayat under this Act or any proceedings consequent thereon has been stayed by an order of a competent court or authority; or
- (b) all the members or more than [“one half”] of the members of a Zilla Panchayat have resigned; or
- (c) any new Panchayat or deemed Panchayat or any new Zilla Panchayat is established in accordance with the provisions of this Act;

the Government shall, by notification in the Official Gazette, appoint an Administrator for such period as may be specified in the notification and may, by like notification, curtail or extend the period of such appointment, as however the total period of such appointment shall not exceed six months.

(2) Notwithstanding anything contained in this Act, on the appointment of an Administrator under sub-section (1), and during the period of such appointment, the Zilla Panchayat and the Committees thereof and the Adhyaksha or Upadhyaksha of such Panchayat, [“the Sarpanch or the Deputy Sarpanch or members”] charged with carrying out the provisions of this Act, or of any other law, shall cease to exercise

any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator.

ASSEMBLY HALL,
PORVORIM-GOA,
19th JANUARY, 2007.

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T. N. DRUVA KUMAR,
Secretary to the Legislative
Assembly of Goa.