



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA PANCHAYAT RAJ (AMENDMENT)
BILL, 2009**

(Bill No. 4 of 2009)

~~To be~~ ^{As} introduced in the Legislative Assembly of the State of Goa

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
FEBRUARY, 2009.**

**THE GOA PANCHAYAT RAJ (AMENDMENT)
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(BILL NO. 4 OF 2009)

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BILL

**further to amend the Goa Panchayat Raj Act,
1994 (Goa Act 14 of 1994)**

5 Be it enacted by the Legislative Assembly of the
State of Goa in the sixtieth Year of the Republic of
India, as follows:—

10 **1. Short title and commencement.**— (1) This
Act may be called the Goa Panchayat Raj
(Amendment) Act, 2009.

(2) It shall come into force at once.

2. Amendment of section 47.— In section 47
of the principal Act, after clause (iii), the following
shall be inserted, namely:—

15 “(iv) to execute the orders passed by the
Block Development Officer, Deputy Director,
Director, State Election Commissioner and/or
the Government under the provisions of this Act
or rules framed thereunder, within the time limit
20 specified in such order.”.

3. Amendment of section 64.— In section 64
of the principal Act,—

25 (i) in sub-section (1), in clause (d), for the
words “rupees one thousand,” the words
“rupees five thousand” shall be substituted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The Deputy Sarpanch of the Panchayat shall exercise all the powers and perform all the duties and functions of the Sarpanch of the Panchayat, whenever the Sarpanch is absent or is on leave or resigns from office or expires or is disqualified or is incapacitated from functioning or if a motion of no confidence is passed against him under section 51 of this Act, until the Sarpanch resumes his office or the post of Sarpanch is filled by election, as the case may be.”.

4. Amendment of section 134.— In section 134 of the principal Act, for the words “and elected”, wherever they occur the ~~figure and~~ words “,elected and co-opted” shall be substituted.

5. Amendment of section 168.— In section 168 of the principal Act, in sub-section (2), in clause (a), for the words “and elected” the ~~figure and~~ words “,elected and co-opted” shall be substituted.

6. Insertion of new section 244C.— After section 244B of the principal Act, the following new section shall be inserted, namely:-

244C. Transfer of proceedings.— (1) The Director may, either on his own or on an application from any affected person, transfer any proceedings from one Chief Executive Officer to another Chief Executive Officer, one Deputy Director to another Deputy Director and from one

Block Development Officer to another Block Development Officer.

(2) The Government may, either on its own or on an application from any affected person, transfer any proceedings pending before the Director to the Additional Director and viceversa.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend section 47 of the said Act so as to empower the Secretary of Panchayat to execute the orders passed by the Block Development Officer, Director and Deputy Director of Panchayats, State Election Commissioner and the Government.

The Bill seeks to amend section 64 of the said Act so as to enhance limit of the Sarpanch to incur expenditure on any matter in an emergency and in public interest from rupees one thousand to rupees five thousand.

The Bill seeks to amend section 134 of the said Act so as to give benefit of salary etc. to the co-opted members of the Zilla Panchayats.

The Bill seeks to insert an additional sub-section in section 168 of the Act so as to provide for payment of salaries etc. to the co-opted members of the Zilla Panchayat.

The Bill seeks to insert new section 244C in the said Act so as to facilitate transfer of proceedings from one authority to another.

This Bill seeks to achieve the above objects

Financial Memorandum

The financial implications arising out of this Bill will be met from Panchayat funds and grants provided to the Zilla Panchayats by the Government. Hence, there is no additional burden on exchequer.

Memorandum Regarding Delegated Legislature

No delegated legislation is involved in this Bill.

Assembly Hall, **MANOHAR T. AZGOANKAR,**
Porvorim-Goa, Minister for Panchayats
Dated: 30/01/2009

Assembly Hall, **R. KOTHANDARAMAN**
Porvorim-Goa, Secretary
Dated: 30/01/2009

(Annexure to Bill No. 4 of 2009)

.....
The Goa Panchayat Raj Act, 1994
(Act 14 of 1994)
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Section 47:— Executive powers and functions of the Secretary. Notwithstanding anything contained in this Act and the rules framed thereunder, the Secretary shall also exercise the powers on the following matters , namely:—

(i) to issue the licences for construction , repairs , modification , alteration , so also occupancy certificate in pursuance of the resolution of the Panchayat;

(ii) to initiate action for stopping and or demolishing an unauthorized structure/building constructed without the permission of the Panchayat after resolution is passed to that effect;

(iii) to execute the resolution passed by the Panchayat body.”]

¹⁶[“47.—A.Executive powers of the Sarpanch.— Notwithstanding anything contained in this Act and the rules framed thereunder, the Sarpanch shall exercise the powers on the following matters, namely:-

(i) to implement the programme of welfare schemes and other development works;

(ii) to execute and implement the resolution passed by the Panchayat on the matters not specified in section 47”.]

Section 64:— Powers and Duties of the Sarpanch and Deputy Sarpanch.—(1) The Sarpanch of the Panchayat shall, in addition to the power exercisable under any other provision of this Act or rules made thereunder,—

(a) convene meeting of the Panchayat;

(b) have access to the records of the Panchayat ; ²⁸[...]

(c) exercise supervision and control over the acts of the officers and employees of the Panchayat .

²⁹[(d) incur expenditure not exceeding rupees one thousand per month on any matter in an emergency and in public interest,

(e) recommend or not, the sanction of any kind of leave to all the officers and employees of the Panchayat including the Gram Sevak.

(f) place all the correspondence received from the Government, Director, Chief Executive Officer, before the meeting of the Panchayat;

(g) hold regular Gram Sabha and other meetings of the Panchayat;

(h) recover the tax, fees and other dues from the defaulters of the Panchayat;

(i) place the audit report before the meeting of the Panchayat and ensure its due compliance;

(j) stop any unauthorized construction erected in the Panchayat area notwithstanding anything contained in sub-section (3) of section 66 of this Act and place the matter immediately before the ensuing meeting of the Panchayat for taking suitable decision;

(k) remove encroachment and obstruction upon public property, street, drains and open sites not being private property;

(l) ensure due compliance of the provisions of the Act; and

(m) comply with the directions/instructions issued by the Director, Chief Executive Officer, Deputy Director or Block Development Officer."}

(2) The Sarpanch may, if in his opinion the immediate execution of any work or doing of any act which requires the sanction of a committee or of the Panchayat, is necessary in public interest convene a meeting for the purpose with a notice of twenty four hours.

(3) The Deputy Sarpanch of the Panchayat shall exercise the powers and perform the duties of the Sarpanch when the Sarpanch is absent, on leave or is incapacitated from functioning.

^{44c} "134 .Salary and Allowances to the Adhyaksha , Upadhyaksha as elected members of the Zilla Panchayat.- The salary allowances of the Adhyaksha , Upadhyaksha and elected members of the Zilla Panchayat shall be as prescribed".

Section 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 re-appropriation 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, Upadhyaksha and elected members of the Zilla Panchayat or members of any committee thereof and traveling and daily allowances to the Adhyaksha and Upadhyaksha or tours outside the district, 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 person 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.

Section 244:— Power of Government to make model regulations and bye-laws and adoption of such regulations and bye-laws by the P anchayat— (1) The

Government may subject to the provisions of this Act and the rules made under section 240, and previous publication of the draft for not less than one month, make model regulations and bye-laws for Panchayats and Zilla Panchayats.

(2) A Panchayat or Zilla Panchayat may by resolution adopt the model bye-laws or regulations, as the case may be, made under sub-section (1) and such bye-laws and regulations shall come into force within jurisdiction of the Panchayat or Zilla Panchayat from such date as the case may be, it may specify in a notice published in the prescribed manner.

(3) The Government may, by order, direct any Panchayat, of Zilla Panchayat to adopt the model bye-laws and regulations in respect of any matter within such period not being less than three months from the date of, receipt of the direction by the Panchayat or Zilla Panchayat concerned.

(4) If any Panchayat, or Zilla Panchayat, fails to take any action for adopting the model bye-laws or regulations, as the case may be, the Government may, by notification, declare that the said model bye-laws or regulations, as the case may be, shall come into force within the jurisdiction of the Panchayat or Zilla Panchayat from such date as may be specified in such notification, and such bye-laws or regulations, as the case may be, shall come into force accordingly.

(5) The provision of this section shall have the effect notwithstanding anything contained in sections 242 and 243.

^{71A}["244. A - Power of Government to exercise any function. Notwithstanding anything contrary contained in the Act the government may, in the public interest, exercise any of the functions enumerated in schedules I and II appended to the Act, for the purpose of carrying

out any developmental work in the jurisdiction of the Panchayat without consultation with the Panchayat or Zilla Panchayat.""]

^{71A} ["244 B- Power of Government to allow to carry out any developmental works in any Panchayat area.— Notwithstanding anything contained in this Act, the Government, in the public interest, may issue directions to the Panchayats to carry out any developmental works, or such other functions as the Government deems fit, including to permit construction of a structure/building in the following cases:—

- (i) Promotion of information technology;
- (ii) Promotion of co-operative movement;
- (iii) Self-employment schemes for all categories."

ASSEMBLY HALL,
PORVORIM-GOA,
30th JANUARY, 2009.

R. KOTHANDARAMAN
Secretary to the Legislative
Assembly of Goa.