



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Municipalities (Amendment)
Bill, 2007**

(Bill No. 11 of 2007)

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

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

**The Goa Municipalities (Amendment)
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A

BILL

5 *further to amend the Goa Municipalities Act, 1968
(Act 7 of 1969). Be it enacted by the Legislative
Assembly of the State of Goa in the Fifty-eighth
Year of the Republic of India as follows:-*

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

10 (2) It shall come into force at once.

2. *Amendment of section 9.*— In section 9 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the "principal Act"),-

15 (i) in sub-section (1), for clause (2), the following clause shall be substituted, namely:-

20 "(2) in every Council, seats shall also be reserved for Scheduled Caste, Scheduled Tribe and Other Backward Class and for women belonging to Scheduled Caste as the case may be, the Scheduled Tribe and Other Backward Class as provided in sub-section(2).";

(ii) in sub-section (2),

(a) in clause (b),-

(i) for the expression "Scheduled Castes or the Scheduled Tribes", the expression "Scheduled Castes, Scheduled Tribes or the Other Backward Class" shall be substituted; 5

(ii) for the expression "of the Scheduled Castes or of the Scheduled Tribes", the expression "of the Scheduled Castes, Scheduled Tribes or of the Other Backward Class" shall be substituted; 10

(b) in clause (c),-

(i) for the expression "for Scheduled Castes, the Scheduled Tribes", the expression "for Scheduled Castes, Scheduled Tribes or the Other Backward Class" shall be substituted; 15

(ii) for the expression "Scheduled Castes or of the Scheduled Tribes", the expression "Scheduled Castes, Scheduled Tribes or of the Other Backward Class" shall be substituted; 20

3. Amendment of section 10.— In section 10 of the principal Act,-

(i) in the heading, for the expression "SCHEDULED CASTES AND SCHEDULED TRIBES", the expression "SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASS" shall be substituted; 25

(ii) in sub-section (1),-

(a) for the expression "Schedule Castes or Scheduled Tribes", the expression "Scheduled Castes, Scheduled Tribes or the Other Backward Class" shall be substituted; 5

(b) for the expression " those castes or, as the case may be, of those Tribes", the expression "those Castes or Tribes, or as the case may be, of those class" shall be substituted; 10

(iii) in sub-section (4), for the expression " Scheduled Castes or Scheduled Tribes", the expression "Scheduled Castes, Scheduled Tribes or Other Backward Class" shall be substituted. 15

Statement of Objects and Reasons

Sub-section (1) of section 9 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the "said Act"), provides for reservation of seats for Scheduled Castes and Scheduled Tribes in every municipal council in the manner as specified therein. The Bill seeks to amend sub-sections (1) and (2) of section 9 of the said Act so as to provide for reservation of seats, in every municipal council , also for the Other Backward Class.

The Bill also seeks to amend the provisions of sub-sections (1) and (4) of section 10 of the said Act. The said amendment is consequential in nature.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill

JOAQUIM ALEMAO

Panaji-Goa
2nd March, 2007

Minister for Urban Development

Assembly Hall,
Porvorim-Goa.
2nd March, 2007

T. N. DHRUVA KUMAR
Secretary to the Legislative
Assembly of Goa

ANNEXURE

Extract of Sanction 9 and 10 of the Goa Municipalities Act, 1968

The Section 9 & 10 of the Goa Municipalities Act, 1968 reads as follows:-

9. "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, not less than 1/3 seats shall be reserved for women;

(2) in every Council, seat shall also be reserved for Scheduled Castes and the Scheduled Tribes and for Women belonging to Scheduled Castes as the case may be, the Scheduled Tribes as provided under 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 3000 of the population or part thereof" above 50,000 there shall be one additional elected Councillor, so, however, that the total number of elected Councillors shall not exceed 20;

Class of Municipal area	Number of elected Councillors
(ii) 'B' Class	The minimum number of elected Councillors shall be 10, and "for every 3000 of the population or part thereof" above "10,000" there shall be one additional elected Councillor, so, however, that the total number of elected Councillors shall not exceed 15;
(iii) 'C' Class	The number of elected Councillors shall be 10.

"(b) the number of seats, if any, to be reserved for the Scheduled Castes or the 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 on 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 Scheduled Castes, the Scheduled Tribes 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 Scheduled Castes or of the Scheduled in the municipal area bears to the total population of that area and such seats be allotted by rotation to different constituencies in a Council.

(3) The reservation of seats for Scheduled Castes and Scheduled 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 seat 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.

(4) Every order under sub-section (2) shall take effect for the purpose of the next general election of the Council immediately following after the date of the order.

9A. (1) Notwithstanding anything contained in the Act, the Member of the Legislative Assembly of Goa representing the Constituency which comprises wholly or partly by municipal area, and any one Ex-Councillor as to be nominated by the Council with prior approval of the Government, shall have right to associate at the meeting of the concerned Municipal Council and take part in the proceedings of the Council but shall have no right to vote.

(2) For every meeting of a Council, a notice of meeting specifying the date, hour and place at which such meeting is to be held and the business to be transacted thereat shall be served upon the concerned Member of Legislative Assembly of the State of Goa as well as on the Ex-Councillor, if any associated with the Council.

10. *Division of municipal area into wards and reservation of wards for women, Scheduled Castes, Scheduled Tribes—* (1) The Director shall from time to time by order published in the Official Gazette fix for each municipal area the number and the extent of the wards into which such area shall be divided. The Director shall specify in the order the ward in which a seat is

reserved for women but in so doing the shall ensure that such a seat is reserved from time to time by rotation in different wards of the municipal area. He shall by a like order specify the wards in which seats are reserved for Scheduled Castes or Scheduled Tribes, "including seats for offices of Chairperson" having regard to the concentration of population of those Castes or, as the case may be, of those Tribes in any particular wards.

(2) Each of the wards shall elect only one Councillor.

(3) Every order issued under sub-section (1) shall take effect for the purpose of the next general election immediately following the date of such order.

(4) Nothing in this section shall be deemed to prevent women or persons belonging to the Scheduled Castes or Scheduled Tribes for whom seats are reserved in any Council, from standing for election and being elected to any of the seats which are not reserved.

Assembly Hall,
Porvorim-Goa.
2nd March, 2007.

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