



Legislative Assembly of the State of Goa

**The Goa Municipalities
(Amendment) Bill, 2006**

(Bill No. 15 of 2006)

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

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
JULY, 2006**

**The Goa Municipalities (Amendment)
Bill, 2006**

(Bill No. 15 of 2006)

A

BILL

*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 seventh Year of the Republic of India
5 as follows: -

1. **Short title and commencement.** — (1) This Act
may be called the Goa Municipalities (Amendment)
Act, 2006.

(2) Section 2 of this Act shall be deemed to have
10 come into force on the 28th day of April, 2006, while
section 3 shall come into force at once.

2. **Amendment of section 6.**— In section 6 of the
Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter
referred to as the “principle Act”), for sub-sections (3)
15 and (4), the following sub-section shall be substituted,
namely: -

“(3) Notwithstanding anything contained in any of
the provisions of this Act or any other law or
Judgment, decree, order of the Court, a Municipal
20 area which is deemed to be a Panchayat in terms
of section 2 of the Goa Municipalities (Amendment)

Act, 2001 (Goa Act 1 of 2001) shall be a Municipal area from the 28th day of April, 2006, and all actions taken by or against such deemed Panchayat shall be deemed to have been taken by or against the Municipal Council of such Municipal area".

5

3. Amendment of section 9.— In sub-section (2) of section 9 of the principle Act, in the table below clause (a), in item (ii), for the figures "15,000", the figures "10,000" shall be substituted.

4. Repeal and Saving.— (1) The Goa Municipalities (Amendment) Ordinance, 2006 (Ordinance No.2 of 2006), is hereby repealed.

10

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

15

Statement of Objects and Reasons

Sub-section (3) of section 6 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the "said Act"), provides that in case where election to a Municipal Council has not been conducted within a period of six months from its declaration as a Municipal area, such Municipal area shall be deemed to be a Panchayat for the purpose of section 3 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994).

The Bill seeks to substitute a new sub-section (3) for the existing sub-sections (3) and (4) of section 6 of the said Act, so as to provide that, notwithstanding anything contained in any of the provisions of the said Act or any other law or Judgment, decree, order of the Court, a Municipal area which is deemed to be a Panchayat in terms of section 2 of the Goa Municipalities (Amendment) Act, 2001 (Goa Act 1 of 2001) shall be a Municipal area from the 28th day of April, 2006, and all actions taken by or against such deemed Panchayat shall be deemed to have been taken by or against the Municipal Council of such Municipal area.

As per existing provision under Section 9, a 'C' Class Municipal Council, with population of upto 10,000, shall have 10 Councillors. A 'B' Class Municipal Council also shall have 10 Councillors upto a population of 15,000. This anomaly is sought to be rectified by amending Section 9.

The Bill also seeks to replace the Goa Municipalities (Amendment) Ordinance, 2006 (Ordinance No.2 of 2006), promulgated by the Governor of Goa on 28th day of April, 2006.

This Bill seeks to achieve the above objects.

Financial Memorandum

The financial implications due to increase in number of Councillors consequent upon the amendment and increase in number of wards. Each Councillor is paid Honorarium of Rs.2500/- per month. The additional liability is Rs.3.60 lakhs/- approximately annually.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Panaji-Goa
7th July, 2006

(JOAQUIM ALEMAO)
Minister for Urban Development

Assembly Hall,
Porvorim-Goa
7th July, 2006

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

Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, S. C. Jamir, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Municipalities (Amendment) Bill, 2006 by the Legislative Assembly of Goa.

ANNEXURE

Extract of Section 6 & 9 of the Goa Municipalities Act, 1968

The section 6 of the Goa Municipalities Act, 1968 reads as follows:

“Alteration of the limits of a Municipal area:- (1) The Government may by notification in the Official Gazette;-

(a) alter the limits of a Municipal area so as to include therein or to exclude therefrom such local area as may be specified in the notification;

(b) amalgamate two or more Municipal areas so as to form one Municipal area;

(c) split up any municipal area into two or more municipal areas;

(d) declare that the whole of any local area comprising a municipal area shall cease to be a municipal area.

Provided that no such notification shall be issued by the Government under any of the clauses of this sub-section without consulting the Municipal Council or Councils and other local authorities concerned.

(2) Prior to the publication of a notification under sub-section (1), the procedure prescribed in sub-section (3), (4) and (5) of section 3 shall mutatis mutandis be followed.

(3) In case where election to a Municipal Council has not been conducted within a period so six months from its declaration as a Municipal area, such Municipal area shall be deemed to be a Panchayat for the purpose of section 3 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994).

(4) Notwithstanding anything contained in any of the provisions of this Act or any other law, judgement, decree or order of the Court, the provisions of sub-section (3) shall

continue to apply and action taken thereof shall be deemed to have been taken in terms of this Act.

The Section 9 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 Caste, 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 3,000 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;
(ii) 'B' Class	The minimum number of elected Councillors shall be 10, and "for every 3,000 of the population or part thereof" above "15,000" 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 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 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 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 Tribes 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 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 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 purposes of the next general election of the Council immediately following after the date of the order.

Assembly Hall,
Porvorim-Goa
7th July, 2006

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