



LEGISLATIVE ASSEMBLY OF THE
STATE OF GOA

The Goa Municipalities (Amendment) Bill, 2012

(Bill No. 8 of 2012)

By Shri Vijai Sardesai, MLA

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

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM-GOA**

AUGUST, 2012

**The Goa Municipalities (Amendment)
Bill, 2012**

(Bill No. 8 of 2012)

A

BILL

*further to amend the Goa Municipalities Act, 1968
(Act No. 7 of 1969).*

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

1. *Short title and commencement.*— (1) This Act
may be called the Goa Municipalities (Amendment)
10 Bill, 2012.

(2) It shall come into force at once.

2. *Amendment to section 10.*— In sub-section 1
of section 10 of the Goa Municipalities Act, 1968
(Act 7 of 1969), for the word "Director" the words
15 "State Election Commission" shall be substituted.

Statement of Objects and Reasons

In terms of Article 243(K) and 243(Z) (A) of the Constitution of India, the superintendence, direction and control of the preparation of election rolls and the conduct of election to the Municipalities shall be vested in the State Election Commission. The said articles further provide that the Legislation of a State may by law, make provisions with respect to all matters relating to, or in connection with, elections to the Municipalities. Since the State Election Commission is vested with the power to prepare electoral rolls it is imperative that the power of fixation of each Municipal area, the number and extent of wards into which such area shall be delimited ought to be with the State Election Commission. The Election Commission should likewise have the power to reserve seats for women, ST, SCs and OBCs.

In terms of section 10 of Goa Municipalities Act, the power of fixation and reservation of wards is with the Director of Municipal Administration.

Before every election, there are charges galore against the Government of misusing the office of the Director to delimit and reserve the wards in a manner that is beneficial to certain interested groups. In my opinion, there should be no room for any suspicion about the fairness of the electoral process at the Municipal Elections.

I therefore recommend that the word "Director" appearing in section 10 of the Goa Municipalities Act be replaced by the word "State Election

Commission", thus empowering the State Election Commission to undertake delimitation of wards of Municipalities and of reservation of wards of Municipalities for women, OBCs, SCs and STs.

Financial Memorandum

No financial Memorandum envisaged.

Memorandum Regarding Delegated Legislation

Delegated legislation is envisaged which would extent amendment to rules in force which are of normal character.

Porvorim-Goa,
1st August, 2012.

VIJAI SARDESAI
MLA

Assembly Hall,
Porvorim-Goa,
1st August, 2012.

N. B. Subhedar
Secretary to the
Legislative Assembly of Goa

ANNEXURE

.....
**Extracts of section 10(1) of the Goa
Municipalities Act, 1968**
.....

10. Division of municipal area into wards and reservation of wards for women, 48[Scheduled Castes, Scheduled Tribes and Other Backward Class].—
(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 he shall ensure that such a seat its 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 49[Scheduled Castes, Scheduled Tribes or the Other Backward Class], 50[including the seats for offices of Chairperson] having regard to the concentration of population of 51[those Castes, or Tribes, or as the case may be, of those class], in any particular wards.

Assembly Hall,
Porvorim-Goa,
1st August, 2012.

N. B. Subhedar
Secretary to the
Legislative Assembly of Goa