



Legislative Assembly of the State of Goa

**The Goa Panchayat Raj
(Seventh Amendment)
Bill, 2003**

(Bill No. 3 of 2003)

AS

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

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
FEBRUARY, 2003.**

THE GOA PANCHAYAT RAJ (SEVENTH
AMENDMENT) BILL, 2003

(Bill No. 3 of 2003)

A

BILL

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

Be it enacted by the Legislative Assembly of
Goa in the Fifty fourth Year of the Republic of
India, as follows:—

1. Short title and commencement.— (1) This
Act may be called the Goa Panchayat Raj
(Seventh Amendment) Act, 2003.

(2) It shall come into force at once.

2. Amendment of section 2.— In section 2
of the Goa Panchayat Raj Act, 1994 (Goa Act 14
of 1994) (hereinafter referred to as the "principal
Act"), for clause (9) the following clause shall
be substituted, namely:—

"(9) "Director" means the person appointed
as the Director of Panchayats under this Act
and includes an Additional Director,".

3. Insertion of new section 10A.— After section 10 of the principal Act, the following section shall be inserted, namely:—

“10A.— If a person who has been elected as a member of the Panchayat is or becomes a member of the House of the People, the Council of States or the State Legislative Assembly, then at the expiration of a period of fifteen days of such election, his seat in the Panchayat shall become vacant, unless he has previously resigned from his seat in the House of the People, Council of States or the State Legislative Assembly, as the case may be.”

4. Amendment of section 129.— In section 129 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) As soon as may be after the first meeting of the Zilla Panchayat, every member thereof shall take the oath of Office before the Director of Panchayats”.

Statement of Objects and Reasons

It is necessary to create one post of Additional Director in the Directorate of Panchayats for quick disposal of appeals and other matters under the Panchayat Raj Act, 1994 (Goa Act 14 of 1994).

The present Bill seeks to amend clause (9) of section 2 of the said Act so as to include the term “Additional Director” within the definition of word “Director”.

The Bill also seeks to insert a new section 10A in the said Act on the lines similar to section 123 as contained in the said Act whereby a person who has already been chosen as a member of the Panchayat and is or becomes a member of the House of People, the Council of States or the State Legislative Assembly, then at the expiration of a period of fifteen days of such election, his seat in the Panchayat shall become vacant unless he has previously resigned from the other seat.

The Bill also seeks to make a provision for administration of oath to the members of the Zilla Panchayat by inserting sub-section (4) in section 129 of the said Act.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill since no additional expenditure will be incurred on account of the proposed amendments.

Memorandum Regarding Delegated Legislation

No delegation legislation is envisaged in this Bill.

Panaji-Goa.
03 February, 2003.

MAJOHAR AZGAONKAR
Minister for
Panchayati Raj.

Assembly Hall,
Porvorim, Goa
05 February, 2003.

S. A. NARVEKAR
Secretary, Legislature.

ANNEXURE

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An abstract of the Goa Panchayat Raj Act, 1994
(Goa Act 14 of 1994)
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2. Definitions.— (9) "Director" means the person appointed as the Director of Panchayats under this Act.

10. Disqualification for membership.— A person shall be disqualified for being chosen as, and for being, a member of the Panchayat if,—

(a) he is so disqualified by or under any law for the time being in force for the purpose of the elections to the State Legislature;

Provided that no person shall be disqualified on the grounds that he is less than twenty five years, if he has attained the age of twenty one years;

(b) he has been dismissed from service of the Government or any local authority;

(c) he holds any office of profit under any local or other authorities subject to the control of the Central Government, the State Government or the Government of any other States, other than such offices as are declared by rules made under this Act not to disqualify the holder;

(d) he is in arrears for such period as may be prescribed of any tax, fee or other sum due to the Panchayat;

(e) he has been convicted by a Court of any offence involving moral turpitude and five years have not been elapsed since his release; or

(f) he has directly or indirectly any share or monetary interest in any work done or to the Panchayat or any contract or employment with, under or by or on behalf of, the Panchayat;

(g) he is employed in any Corporation, whether Statutory or otherwise, owned or controlled or financed in part or fully, by the Central Government or the Government or any State Government.

129. Term of Office of Member.— (1) Except as is otherwise provided in this Act, members of a Zilla Panchayat elected at a general election shall hold office for a term of five years.

(2) The term of office of members elected at a general election shall commence on the date appointed for the first meeting of the Zilla Panchayat.

(3) The term of office of a member elected to fill a casual vacancy shall commence on the date of publication of his name under section 128.