



LEGISLATIVE ASSEMBLY OF GOA

**The Goa Panchayat Raj
(Third Amendment)
Bill, 2000**

(Bill No. 11 of 2000)

^{DS}
(~~To~~ be introduced in the Legislative Assembly of Goa)

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM-GOA
MARCH, 2000

The Goa Panchayat Raj (Third Amendment) Bill, 2000

(Bill No. 11 of 2000)

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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-first Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Panchayat Raj (Third Amendment) Act, 2000.

(2) It shall be deemed to have come into force on the 15th day of December, 1999.

2. *Amendment of section 2.*— In the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) (hereinafter referred to as the “principal Act”), in section 2, after clause (1-A), the following shall be inserted, namely:—

“(1-B)” “ballot” means ballot papers prepared in accordance with the provisions of the Act or rules made thereunder and includes Electronic Voting Machine;”.

3. *Amendment of section 117.*— For section 117 of the principal Act, the following shall be substituted, namely:—

“117. *Constitution of Zilla Panchayats.*— (1) There shall be two Zilla Panchayats for the State of Goa, namely, North Goa Zilla Panchayat and South Goa Zilla Panchayat.

(2) The North Goa Zilla Panchayat shall consist of thirty elected members.

(3) The South Goa Zilla Panchayat shall consist of twenty elected members.

(4) In addition to the elected members, every Zilla Panchayat shall have the following ex-officio members, namely:—

(i) members of Parliament who are registered as the electors within the district;

(ii) such number of members of the State Legislative Assembly as may be prescribed:

Provided that no such members shall be a Minister or the Speaker or the Deputy Speaker of the Legislative Assembly or the Leader of Opposition:

Provided further that the total number of such members shall not exceed the number of talukas in the Zilla Panchayat, and such members shall be elected from amongst themselves;

(iii) Chairperson of Panchayats in each taluka of the district elected from amongst themselves in the ratio of one such chairperson for a taluka having upto 15 Panchayats and two such chairpersons for a taluka having more than 15 Panchayats who shall be a member of Zilla Panchayat so long as he continues to be the chairperson of the Panchayat.

(5) The term of the members of the Zilla Panchayats other than the elected members shall be co-terminus with the term of member of Parliament or members of the State Legislative Assembly or Chairperson of Panchayat, as the case may be.

4. *Amendment of section 119.*— For clause (a) of section 119 of the principal Act, the following shall be substituted, namely:—

“(a) divide the area within the jurisdiction of North Goa Zilla Panchayat and South Goa Zilla Panchayat into 30 and 20 single member territorial constituencies, respectively, for the purpose of election to such Zilla Panchayats;”

5. *Insertion of new section.*— After section 125 of the principal Act, the following shall be inserted, namely:—

“125-A. *Use of electronic voting machine.*— Notwithstanding anything contained in this Act or the rules framed thereunder, the State Election Commission may put in use the electronic voting machine in lieu of ballot paper for the election of members of Panchayats or Zilla Panchayats, as may be deemed necessary and in the manner specified by the State Election Commissioner in this regard.”

6. *Repeal and saving.*— (1) The Goa Panchayat Raj (Fourth Amendment) Ordinance, 2000 (Ordinance No. 4 of 2000), is hereby repealed.

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

Statement of Objects and Reasons

As per 1991 census, the State of Goa has 6.89 lakhs rural population. Out of this, North Goa district has 4.39 lakhs rural population and South Goa district has 2.50 lakhs rural population.

Section 116 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), provides for constitution of two Zilla Panchayats for the State of Goa since the State of Goa consists of two districts. In terms of section 117 of the said Act, 1994, each Zilla Panchayat consists of 20 elected members. Thus, the representation of the elected members of the North Goa Zilla Panchayat was not in proportionate to the population compared to the representation of the South Goa Zilla Panchayat. Besides, the North Goa district consist of 6 talukas with 119 Panchayats and South Goa district consists of 5 talukas with 69 Panchayats.

Keeping in view, the population and size of the district, it was felt that the number of elected members for North Goa Zilla Panchayat should be increased from 20 to 30. Also, the said Act, 1994, did not provide for the use of electronic voting machine for the elections. Necessary provisions were incorporated vide the Goa Panchayat Raj (Fourth Amendment) Ordinance, 2000 (Ordinance No. 4 of 2000).

The present Bill seeks to replace the said Ordinance.

Financial Memorandum

Since there is an increase in number of members of North Goa Zilla Panchayats from 20 to 30, there will be an additional expenditure on the sitting fees and travelling allowances of these 10 members. The exact financial implications could be worked out as and when the sitting fees and travelling allowances of members are notified.

Memorandum Regarding Delegated Legislation

Clause (2) of sub-section (4) of section 117, provides for making of rules. This delegation is of normal character.

Porvorim,
28th March, 2000.

VENKTESH DESSAI
Minister for Panchayat Raj

Assembly Hall,
Porvorim,
28th March, 2000.

P. N. RIVANKAR
Secretary to the
Legislative Assembly of Goa.

Governor's recommendation under Article 207 of the
Constitution.

In pursuance to Article 207 of the Constitution the Governor of Goa has recommended to the Legislative Assembly of Goa the introduction and consideration of the Goa Panchayat Raj (Third Amendment) Bill, 2000.

(Annexure to Bill No. 11 of 2000)

The Goa Panchayat Raj (Third Amendment)
Bill, 2000

The Goa Panchayat Raj Act, 1994

(Goa Act 14 of 1994)

2. *Definitions.*— In this Act unless the context otherwise requires,—

(1) “Backward classes” means such classes of citizens as may be notified by the Government from time to time as belonging to backward class;

(1-A) Block Development Officer means a person appointed as Block Development Officer by the Government .

(2) “building” includes a house, outhouse, stable, privy, urinals, shed, hut, wall and any other structure whether of masonry, bricks, wood, metal or any other material, but does not include a temporary structure erected on ceremonial or festive occasion or a tent;

(3) “Sarpanch” means the Sarpanch of a Panchayat.

(4) “Deputy Sarpanch” means the Deputy Sarpanch of a Panchayat.

(5) “Adhyaksha” means the Adhyaksha of a Zilla Panchayat.

(6) “Upadhyaksha” means the Upadhyaksha of a Zilla Panchayat.

(7) “Collector” means the Collector of the District “and includes an Additional Collector;”;

(8) Chief Executive Officer” means the Chief Executive Officer of a Zilla Panchayat; “and includes any other Officer appointed by the Government in this behalf;”;

(8-A) “Deputy Director” means the person appointed as the Deputy Director of Panchayats by the Government;”;

(9) “Director” means the person appointed as the Director of Panchayat under this Act;

(10) “district” means a revenue district.

(11) “Government” means the Government of Goa;

(11-A) “Gram Sevak” means the person appointed by the Director to perform the duties as Gram Sevak;”;

(12) “land” includes land which is built upon or covered with water;

(12-A) “Member-Secretary” means a person appointed by the Government as Member-Secretary and includes a Block Development Officer;”;

(13) “notification” means a notification published in the Official Gazette;

(14) “Panchayat” means a Village Panchayat established under section 3;

(15) “erection or re-erection or enlargement” of any building includes,—

(i) any material alteration or enlargement in or of any building;

(ii) the conversion, by structural alteration, into a place of human habitations of any building not originally meant or constructed for human habitation;

(iii) the conversion of one or more places of human habitation into a greater number of such places;

(iv) the conversion of two or more places of human habitation into a lesser number of such places;

(v) such alteration of a building as would effect a change in the drainage or sanitary arrangements or materially affect its security;

(vi) the addition of any rooms, buildings, houses or other structures to any building;

(vii) the conversion, by any structural alteration into a place of religious worship or into a building not originally meant or constructed for such purposes;

(viii) roofing or covering an open space between wall or buildings, in respect of the structure which is formed by roofing or covering such space;

(ix) conversion into a stall, shop, warehouse or godown or any building not originally constructed for use as such or vice versa;

(x) construction of a door in a wall adjoining any street or land not vested in the owner of the wall and opening in such street or land;

(16) "factory" means besides a factory as defined in the Factories Act, 1948 (Central Act 13 of 1948), any premises including the precincts thereof wherein any industrial manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(17) "prescribed" means prescribed by rules framed under this Act;

(18) "Schedule" means a Schedule appended to this Act;

(19) "Scheduled Castes and Scheduled Tribes" means such Scheduled Castes and Scheduled Tribes specified in respect of the State of Goa under the Constitution;

(20) "Secretary" means the Secretary of the Panchayat;

"(20-A) "Taluka Panchayat" means a Taluka Panchayat established under this Act;"

(21) "Zilla Panchayat" means a Zilla Panchayat established under this Act.

117. *Constitution of Zilla Panchayat.*— Every Zilla Panchayat shall consist of,—

(i) twenty elected members;

(ii) the members of the House of the People and the members of the Council of States who are registered as the electors within the district;

(iii) Such number of members of the State Legislative Assembly as may be prescribed:

Provided that no such members shall be a Minister or the Speaker or the Deputy Speaker of the Legislative Assembly or the Leader of Opposition.

Provided further that the total number of such members shall not exceed the number of talukas in the Zilla Panchayat and such members shall be elected from amongst themselves;

(iv) Chairpersons of each Taluka Panchayat.

119. *Delimitation of territorial constituencies.*—The Government shall, by notification.—

(a) divide the area within the jurisdiction of every Zilla Panchayat, for the purposes of election to such Zilla Panchayat into twenty single member territorial constituencies;

(b) determine the territorial constituency or constituencies in which seats are reserved for the Scheduled Castes, Scheduled Tribes, Backward Classes and Women.

125. *Method of voting and procedure for election.*— (1) Every elector shall have one vote and no elector shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Zilla Panchayat shall be held by ballot in accordance with such rules as may be prescribed.

(3) The provisions of sections 27 to 41 shall apply in respect of elections to Zilla Panchayat as they apply to elections to Panchayats.

Assembly Hall,
Porvorim,
28th March, 2000

P. N. RIVANKAR,
Secretary to the
Legislative Assembly of Goa.