



LEGISLATIVE ASSEMBLY OF THE
STATE OF GOA

The Goa Panchayat Raj (Amendment) Bill, 2012

(Bill No. 7 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
JULY, 2012**

**The Goa Panchayat Raj (Amendment)
Bill, 2012**

(Bill No. 7 of 2012)

A

BILL

*Further to amend the Goa Panchayat Raj Act, 1994
(Goa Act No. 14 of 1994).*

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:

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

(2) It shall come into force at once.

15 2. *Amendment to section 7.*— In sub-section 3
of section 7 of the Goa Panchayat Raj Act, 1994
(Act of 14 of 1994) for the word "Director" the
words "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 Panchayats 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 Panchayats. Since the State Election Commission is vested with the power to prepare electoral rolls it is imperative that the power of fixation of each Panchayat 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 7 of Goa Panchayat Raj Act, the power of fixation and reservation of wards is with the Director of Panchayats.

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 Panchayat Elections.

I therefore recommend that the word "Director" appearing in section 7 of the Goa Panchayat Raj Act be replaced by the word "State Election

Commission", thus empowering the State Election Commission to undertake delimitation of wards of Panchayats and of reservation of wards of Panchayats 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,
6th July, 2012.

VIJAI SARDESAI
MLA

Assembly Hall,
Porvorim-Goa,
6th July, 2012.

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

ANNEXURE

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**Extracts of section 7(3) of the Goa Panchayat
Raj Act, 1994**
.....

7. *Constitution of Panchayats.*— (1) A Panchayat shall consist of, such number of members as the Government may, by order, determine, so far as may be in accordance with the following Table:-

TABLE		
For a Panchayat with a population of	Number of member	Classification
(1) 1500 or more but not more than 2000	5	D
(2) more than 2000 but not more than 5000	7	C
(3) more than 5000 but not more than 8000	9	B
(4) more than 8000	11	A

(2) All the members of a Panchayat shall be elected.

(3) The Director shall divide each Panchayat area into wards the number of which shall be equal to the number of members determined in respect of such Panchayat under sub-section (1).

Assembly Hall,
Porvorim-Goa,
6th July, 2012.

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