

The Goa Municipalities (Amendment) Bill, 2023

(Bill No.5 of 2023)

further to amend the Goa Municipalities Act, 1968 (Act 7 of 1969).

BE it enacted by the Legislative Assembly of Goa in the Seventy – third Year of the Republic of India as follows:-

1. Short title and commencement. — (1) This Act may be called the Goa Municipalities (Amendment) Act, 2023.

(2) It shall be deemed to have come into force on the 6th day of October, 2022.

2. Amendment of section 52. — In section 52 of the Goa Municipalities Act, 1968 (Act 7 of 1969), in sub- section (3), after the existing proviso, the following proviso shall be inserted, namely:-

“ Provided further that notwithstanding anything contained in this Act or the rules made thereunder, the election of a Chairperson and a Vice- Chairperson shall be taken by show of hands.”.

3. Repeal and Savings. — (1) The Goa Municipalities (Amendment) Ordinance, 2022 (Ordinance No. 3 of 2022) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Goa Municipalities Act, 1968 (Act 7 of 1969) 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 the requisition of special meeting for removal of Chairperson or Vice-Chairperson shall be signed by *majority* of the total number of Councillors and further removal of the Chairperson and the Vice-Chairperson requires passing of resolution by *majority* of the Councillors, the requirement of a secret ballot becomes a futile exercise and leaves a tremendous scope for discrepancies and undue influence on the councillors by vested interests while casting their votes. Hence, the Bill seeks to insert second proviso to sub-section (3) of section 52 of the Goa Municipalities Act, 1968 (Act 7 of 1969) so that the election of Chairperson or Vice-Chairperson is held by show of hands.

The Bill also seeks to repeal the Goa Municipalities (Amendment) Ordinance, 2022 (Ordinance No. 3 of 2022) promulgated by the Hon'ble Governor of Goa on 06/10/2022.

This Bill seeks to achieve the above objects.

Financial Memorandum

No Financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim- Goa.
January, 2023.

(VISHWAJIT P. RANE)
Minister for Urban Development

Assembly Hall,
Porvorim- Goa
January, 2023

(NAMRATA ULMAN)
Secretary to the Legislative
Assembly of Goa

(Annexure to the Bill No.5 of 2023)

The Goa Municipalities (Amendment) Bill, 2023

52. Chairperson and Vice-Chairperson.—(1) Every Council shall have a Chairperson and a Vice-Chairperson, who shall be elected from amongst the Councillors who are elected.

(2) Within ten days from the date on which the names of Councillors elected to a Council are published, or as the case may be, first published, under sub-section (1) of section 20, in the Official Gazette, the Director shall convene a special meeting of the Councillors for election of a Chairperson and Vice-chairperson Provided that such meetings shall not be held before the expiry of the term of office of outgoing Councillors as determined under section 42.

(3) The meeting called under sub-section (2) shall be presided over by the Collector or such officer as the Director may by order in writing appoint in this behalf. The Director or such officer shall, when presiding over such meeting, have the same powers as the Chairperson of a Council when presiding over a meeting of the Council has, but shall not have the right to vote:

Provided that notwithstanding anything contained in this Act for regulating procedure at meetings (including the quorum required thereat), the Director or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(4) If, in the election of the Chairperson or the Vice-Chairperson, there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the Director or the officer presiding in such manner as he may determine.

(5) Any dispute regarding election of the Chairperson or Vice-Chairperson shall be referred to the Administrative Tribunal, whose decision in that behalf shall be final.

(6) If, during the term of a Council, there is a vacancy in the office of a Chairperson or Vice-Chairperson due to any reason whatsoever, the same procedure as prescribed in sub-sections (2) to (5) shall apply except—

(a) that the special meeting shall be called by the Director within ten days from the date on which the vacancy occurs; and

(7) Notwithstanding anything contained in this Act, a person who has been redered disqualified under section 61A of the Act to be Chairperson or Vice-Chairperson, he shall not be qualified to be elected as Chairperson or Vice-Chairperson of the concerned municipal Council for a period of five years from the date of such disqualification