



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The City of Panaji Corporation
(Amendment) Bill, 2024**

(BILL No. 32 of 2024)

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

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
AUGUST, 2024

**The City of Panaji Corporation
(Amendment) Bill, 2024**

(BILL No. 32 of 2024)

A

BILL

10 further to amend the City of Panaji Corporation
Act, 2002 (Goa Act 1 of 2003).

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

10 **1. Short title and commencement.**— (1) This
Act may be called the City of Panaji Corporation
(Amendment) Act, 2024.

(2) It shall come into force at once.

15 **2. Amendment of section 5.**— In section 5 of
the City of Panaji Corporation Act, 2002 (Goa Act
1 of 2003) (hereinafter referred to as the "principal
Act"),—

(i) for clause (8), the following clause shall
be substituted, namely:—

20 "(8) "building" includes a house,
outhouse, stable, shed, hut and other
enclosure or structure, whether of masonry,
bricks, wood, mud, metal or any other
material, whether used as a human dwelling
or otherwise, and also includes verandahs,
fixed platforms, plinths, door-steps, walls
25 (including compound walls and fencing) and
the like ;";

(ii) in clause (46), for the expression "the Indian Trade Unions Act, 1926", the expression "the Trade Unions Act, 1926 (Act No. 16 of 1926)" shall be substituted.

3. Amendment of section 9.— In section 9 of the principal Act, in the sub-section (2), for the words "The Director of Municipal Administration with the approval of the State Government", the words "The State Election Commission in consultation with the State Government" shall be substituted.

4. Amendment of section 10.— In section 10 of the principal Act, in sub-section (1), for the expression "Corporation there", the expression "Corporation, as notified in the Official Gazette, there" shall be substituted.

5. Insertion of new sections 12 A to 12 C.— After section 12 of the principal Act, the following sections shall be inserted, namely:—

"12A. Requisitioning of premises, vehicles, etc., for election purposes.— (1) If it appears to the State Government that in connection with an election to be held under the provisions of this Act, the State Government on the recommendation of State Election Commission for the purposes of conduct of the Election,—

(i) any premises are needed or are likely to be needed for the purpose of being used as polling stations, for counting, for storage of ballot boxes, voting machines and poll related material after a poll has been taken, accommodation for security forces and polling personnel; or

(ii) any vehicle or vessel is needed or is likely to be needed for the purpose of transport of ballot boxes, voting machine to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the Government may by order in writing requisition such premises, or such vehicle or vessel, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no such premises shall be requisitioned before issuance of the order by the State Election Commission under sub-rule (1) of rule 4 of the Corporation of the City of Panaji (Election) Rules, 2004 :

Provided that no premises or vehicle or vessel, which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period

for which such property is required for any of the purposes mentioned in that sub-section.

(4) Whenever any premises or vehicle or vessel is requisitioned the Government shall pay the compensation.

5

(5) In this, section,—

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise;

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(c) "vessel" means any mechanically propelled driven vessel ordinarily plying in inland waters.

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12B. Payment of compensation.— (1) Whenever in pursuance of section 12A the State Government requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

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(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

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(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

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5 Provided that where any person interested
being aggrieved by the amount of compen-
sation so determined makes an application
within a period of thirty days from the date of
10 receipt of the order of payment of compensation
to the State Government for referring the matter
to an arbitrator, the amount of compensation
to be paid shall be such as the arbitrator
appointed in this behalf by the State
15 Government may determine:

20 Provided further that where there is any
dispute as to the title to receive the
compensation or as to the apportionment of
the amount of compensation, it shall be referred
15 by the State Government to an arbitrator
appointed in this behalf by the Government for
determination, and shall be determined in
accordance with the decision of such arbitrator.

25 *Explanation.*— In this sub-section, the
expression "person interested" means the
person who was in actual possession of the
premises requisitioned under section 12A
immediately before the requisition, or where
no person was in such actual possession, the
owner of such premises.

30 (2) Whenever in pursuance of section 12A
the State Government requisitions any vehicle
or vessel, there shall be paid to the owner
thereof compensation the amount of which
shall be determined by the State Government
on the basis of fares or rates prevailing in the
locality for the hire of such vehicle or vessel:

 Provided that where the owner of such
vehicle or vessel being aggrieved by the

amount of compensation so determined makes an application within a period of thirty days from the date of receipt of the order of payment of compensation to the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine: 5

Provided further that where immediately before requisitioning, the vehicle or vessel was by virtue of a hire-purchase agreement is in possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide. 10 15 20

12 C. Prohibition of public meetings during poll.— The provisions of section 126 of the Representation of People Act, 1951 (Central Act No. 43 of 1951) shall mutatis mutandis apply for elections under this Act." 25

6. Amendment of section 15.— In section 15 of the principal Act, in clause (c), for the expression "section 153A, or sub-section (2) or (3) of section 505, of the Indian Penal Code", the expression "section 196, or sub-section (2) or (3) of section 353, of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023)" shall be substituted. 30

7. **Insertion of new section 59A.**— After section 59 of the principal Act, the following section shall be inserted, namely:—

5 **"59A. Preparation of development plan.**— Corporation shall prepare by 31st day of January of every year a development plan and submit it to the District Planning Committee constituted under section 239 of the Goa Panchayat Raj Act, 1994 (Act No. 14 of 1994)."

10 **8. Amendment of section 219.**— In section 219 of the principal Act, in the proviso, for the expression "Indian Explosives Act, 1884", the expression "Explosives Act, 1884 (Act No. 4 of 1884)" shall be substituted.

15 **9. Amendment of section 281.**— In section 281 of the principal Act, in sub-section (3), for the expression "Indian Railways Act, 1890, or the Indian Electricity Act, 1910", the expression "Railways Act, 1989 (Central Act No. 24 of 1989) or the Electricity Act, 2003 (Central Act No. 36 of 2003)" shall be substituted.

25 **10. Amendment of section 293.**— In section 293 of the principal Act, in sub-section (5), for the expression "Indian Limitation Act, 1963," the expression "Limitation Act, 1963 (Central Act No. 36 of 1963)" shall be substituted.

30 **11. Amendment of section 294.**— In section 294 of the principal Act, in sub-section (4), for the expression "Indian Limitation Act, 1963 (Central Act No. 36 of 1963)", the expression "Limitation Act, 1963" shall be substituted.

12. Amendment of section 321.— In section 321 of the principal Act, for the expression "section 109 of the Code of Criminal Procedure, 1973", the expression "section 128 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023)" shall be substituted. 5

13. Amendment of section 350.— In section 350 of the principal Act, for the expression "Indian Limitation Act, 1963", the expression "Limitation Act, 1963 (Central Act No. 36 of 1963)" shall be substituted. 10

14. Amendment of section 351.— In section 351 of the principal Act, in sub-section (2), for the expression "the Code of Criminal Procedure, 1973", the expression "the Bharatiya Nagrik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023)" shall be substituted. 15

15. Amendment of section 365.— In section 365 of the principal Act, for the expression "within the meaning of section 21 of the Indian Penal Code, 1860", the expression "as defined in clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023)" shall be substituted. 20

STATEMENT OF OBJECTS AND REASONS

The Bill proposes to widen the definition of the term "building" in clause (8) of section 5 of the City of Panaji Corporation Act 2002 (Goa Act 1 of 2003), in tune with the same as existing in the Goa Municipalities Act, 1968.

The Bill also proposes to amend section 9 of the said Act so as to bestow powers of the delimitation of wards of city to the State Election Commission.

The Bill also proposes to amend section 10 of the said Act so as to provide for notification of ward reservations in the Official Gazette.

The Bill also proposes to insert sections 12 A, 12 B and 12 C to the said Act as to provide requisition of any premises or vehicle for the purpose of conducting elections and to make provision similar to in section 126 of the Representation of the People Act, 1951.

The Bill also proposes to insert section 59A in the said Act as the Hon'ble High Court of Bombay at Goa in PIL Writ Petition No. 6 of 2018 decided on 12-2-2020 between the United Goans Foundation vs. the State of Goa and Others had instructed the Director of Panchayats, the State Government, and the Director of Municipal Administration to issue necessary directions to the Panchayats, Zilla Panchayats and Municipal Councils to set up a time limit for submitting their development plans. Since no such provision exists in the said Act, this amendment is proposed.

In view of repeal of the Indian Penal Code 1860 (Central Act No. 45 of 1860), the Code of

Criminal Procedure, 1973 (Central Act No. 2 of 1974) and the enforcement of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023) and Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023), the Bill proposes to amend sections 15, 321, 351 and 365 of the said Act, suitably.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

Presently there are no financial implications. However, as and when compensation to the requisitioned premises, vehicles or vessels arises, there will be financial implications on that account, which cannot be quantified at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is envisaged in this Bill.

Porvorim-Goa (VISHWAJIT P. RANE)
1st August, 2024. Minister for Urban Development

Assembly Hall, (NAMRATA ULMAN)
Porvorim-Goa Secretary to the Legislative
1st August, 2024. Assembly of Goa

ANNEXURE

Extract of The City of Panaji Corporation Act, 2002
(Goa Act 1 of 2003)

5. Definitions.— In this Act, unless there is anything repugnant to the subject or context:— (1) "Administrator" means an Administrator appointed by the State Government under Section 380 of this Act, to exercise the powers and to perform the duties of the Corporation and its authorities;

(2) "Assembly constituency" means constituency provided by law for the purpose of elections to the Goa Legislative Assembly, or any part thereof, which is for the time being comprised in the City;

(3) "Assembly roll" means the electoral roll prepared for any Assembly Constituency in accordance with the provisions of the Representation of the People Act, 1950;

(4) "assessment list" means any municipal assessment register prescribed by section 122 of this Act and includes any register subsidiary thereto;

(5) "authorized" means authorized by the Corporation either generally or specially;

(6) "bakery" means any place in which bread or confectionery including biscuits is baked, cooked or prepared in any manner whatsoever for purposes of profit or sale;

(7) "budget grant" means a sum entered on the expenditure side of a budget estimate which has been finally adopted by the Corporation, and includes any sum by which such budget grant may at any time be increased under sections 88, 89 or 90 of this Act;

(8) "building" includes a house, outhouse, stable, hut, shed or other enclosure, whether used as a human dwelling or otherwise and shall include also verandahs, fixed platforms, plinths, door-steps, walls and the like;

(9) "building line" means a line beyond which the outer face or any part of an external wall of a building should not project in the direction of any street existing or proposed;

(10) "The Commissioner" means the Municipal Commissioner for the City appointed under section 48 and includes an acting Commissioner appointed under the Act and any municipal officer empowered under this Act to exercise, perform or discharge any of the powers, duties or functions of the Commissioner to the extent to which such officer is so empowered;

(11) "City of Panaji" or "the City" means the large urban area specified in the notification issued in this respect under clause (2) of Article 243 Q of the Constitution of India, known by the name of the City of Panaji;

(12) "Closet accommodation" means a receptacle for human excreta, together with the structure comprising such receptacle and the fitting and apparatus connected therewith;

(13) "the Corporation" or "Corporation Area" means the Municipal Corporation of the City of Panaji constituted or deemed to be constituted under this Act;

(14) "Councillor" means any person who is duly continued under this Act or elected as a member of the Corporation under this Act; and includes, a nominated Councillor who shall not have the right:-

(i) To vote at any meeting of the Corporation and committees of the Corporation; and

(ii) To get elected as a Mayor or a Deputy Mayor of the Corporation or a chairperson of any of the Committees of the Corporation;

(15) "dangerous diseases" means cholera, plague, tuberculosis, diphtheria, malaria, and any disease which the Corporation or the State Government may, by public

notice, declare to be a dangerous disease for the purpose of this Act;

(16) "District Court" means the District Court, constituted for the North Goa district;

(17) "drain" includes a sewer, tunnel, pipe, ditch, gutter or channel, and any cistern, flush, tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, drain water or sub-soil water and any culvert, ventilation, shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(18) "drug" means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use;

(19) "eating-house" means any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of any person owing or having an interest in or managing such premises;

(20) the expression "erect or re-erect any building" with its grammatical variations and cognate expressions includes:

(a) any material alteration or enlargement of any building;

(b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;

(c) the conversion by structural alteration of one or more places of human habitation into a greater number of such places;

(d) the conversion by structural alteration of two or more places of human habitation into a lesser number of such places;

(e) such alteration of the internal arrangement of a building as effects a change in its drainage or sanitary arrangements or affects its stability;

(f) the addition of any rooms, buildings, out-houses or other structure to a building; (g) the reconstruction of the whole or any part of the external walls of a building or the renewal of the posts of wooden buildings;

(h) any change over ground or in land;

(21) the expression "essential officer or servant" means every person employed in the municipal corporation in a service declared to be essential by the Commissioner;

(22) "factory," has the meaning assigned to it under the Factories Act, 1948;

(23) "Finance Commission" means the Finance Commission constituted in accordance with the provisions of Article 243-I of the Constitution of India;

(24) "food" includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enter into or is used in the composition or preparation of human food; and also includes confectionery, flavouring and colouring matters and spices and condiments;

(25) "keeper" means the person in charge of a lodging-house, and may include the owner for the purposes of any rules or bye-laws made under this Act;

(26) "land" includes land which is being built upon or is built upon or covered with water;

(27) "licensed plumber", "licensed surveyor" and "licensed architect" mean, respectively, a person licensed by the Corporation as a plumber or surveyor or architect under this Act;

(28) "lodging — house" means a building or part of a building which is let for lodgings;

(29) "market" includes any place within the City where persons assemble for the sale of meat, fish, fruit, vegetables, live-stock or any other article of food; or commodity and is declared to be so by the Commissioner;

(30) "municipal drain" means a drain vested in the Corporation;

(31) "municipal market" means a market vested in or managed by the Corporation;

(32) "municipal slaughter-house" means a slaughter-house vested in or managed by the Corporation;

(33) "municipal tax" means any impost levied by the Corporation under the provisions of this Act;

(34) "municipal water-works" means a water-work vested in or managed by the Corporation;

(35) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(36) "occupier" includes any person for the time being paying, or liable to pay, to the owner the rent, fees or compensation or any portion of the rent, fees or compensation of the land or building in respect of which the word is used or damages on account of the occupation of such land or building, and also an owner living in, or other-wise using, his own land or building and a rent-free tenant or a person declared to be a Mundkar under the Goa, Daman & Diu Mundkars (Protection from Eviction) Act, 1976;

(37) "offensive matter" includes animal carcasses, dung, dirt, putrid or putrefying substances, and filth of any kind which is not included in "sewage" as defined in this section;

(38) "Other Backward Classes" means such classes or parts of or groups within such classes as are declared,

from time to time, by the State Government to be Other Backward Classes (excluding creamy layer).

(39) "owner" when used with reference to any land or building includes the person for the time being receiving the rent of the land or building or of any part of the land or building whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver who would receive such rent if the land, building or part thereof were let to a tenant;

(40) "population" means the population as ascertained at the last preceding Census of which the relevant figures have been published;

(41) "prescribed" means prescribed by rules or by-laws made under this Act;

(42) "public analyst" means any person to be appointed by the Corporation to perform the duties and to exercise the power of a public analyst prescribed under this Act;

(43) "public place" includes any public park or garden, or any ground to which the public have or are permitted to have access;

(44) the expression "public securities" means Government securities and any securities guaranteed by Government, securities issued by the Corporation and any other securities which the State Government may declare to be public securities for the purposes of this Act;

(45) "public street" means any street—

(a) heretofore levelled, paved, metalled, channelled seweraged or repaired out of municipal or other public funds; or

(b) which under the provisions of section 294 is declared to be, or under any other provision of this Act becomes, a public street; and includes

(i) the roadway over any public bridge or causeway,

(ii) the footway attached to any such street,

(iii) public bridge or causeway, and the drains attached to any such street, public bridge or causeway;

(46) "registered trade union" means a trade union registered under the Indian Trade Unions Act, 1926;

(47) (a) a person shall be deemed to "reside" in any dwelling-house or hut which, or some portion of which, he sometimes, although not uninterruptedly, uses as a sleeping apartment; and

(b) a person shall not be deemed to cease to "reside" in any such dwelling-house or hut merely because he is absent from it or has elsewhere another dwelling-house or hut in which he resides, if there is the liberty of returning to it at any time and no abandonment or the intention of returning to it;

(48) "rubbish" includes dust, ashes, broken bricks, mortar, glass, garden or stable refuse or refuse of any kind which is not "offensive matter" or "sewage" as defined in this section;

(49) "sewage" means night-soil and other contents of water-closets, latrines, privies, urinals, cesspools, or drains and polluted water from sinks, bath-rooms, stables, cattlesheds and other like places, and includes trade effluents and discharges from manufactories of all kinds;

(50) "sewage connection" includes any drain set up by the Corporation or the State Government connecting any watery closets, latrines, privy, urinals, bath-room, sink, manhole or tap with any drain set apart by the Corporation for sewage and other offensive matter;

(51) "State Election Commission" means the State Election Commission consisting of the State Election Commissioner appointed in accordance with the

provisions of clause (I) of Article 243-K of the Constitution of India;

(52) "street" means any road, land, gully, alley, passage, pathway, square or Court whether a thoroughfare or not, which is accessible to the public whether permanently or temporarily; and includes every vacant space, notwithstanding that it may be private property and obstructed wholly or partly by any gate, post, chain or other barrier, if houses, shops, or other buildings abut thereon and if it is used by any persons whether occupiers of such buildings or not, as a means of access to or from any public place or thoroughfare but shall not include any part of such vacant space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid;

(53) "street line" means a line dividing the land comprised in and forming part of a street from the adjoining land;

(54) "traffic sign" includes all signals, warnings signposts, direction posts, signs or other devices, erected by any person or authority authorized by law to do so, for the information, guidance or direction of persons using roads or of wheeled and other traffic;

(55) "vehicle" means a wheeled conveyance capable of being used on the street;

(56) "Wards Committees" means the Wards Committees constituted under section 41;

(57) "water-closet" means closet accommodation used or adapted or intended to be used in connection with Government or municipal water works and comprising provisions for the flushing of the receptacle by means of a water-supply and having connection with a sewer;

(58) "water connection" includes

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on private property and connected with

a water-main or pipe belonging to the Corporation or Government;

(b) the water-pipe connecting such tank, cistern, hydrant, stand pipe, meter or tap with such water-main or pipe;

(59) "water for domestic purposes" shall not include water for cattle, or for washing vehicles where the cattle or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental or commercial purposes;

(60) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice main-pipe, culvert, engine and anything for supplying or used for supplying water;

(61) "workshop" means any building, place or premises, or any part thereof, not being a factory, to or over which the employer of the persons working therein has the right of access or control, and in which, or within the compound or precincts of which, any manual labour is employed or utilized in aid of or incidental to any process, operation or manufacturing for the following purposes:—

- (i) the making of any article or part thereof; or
- (ii) the altering, repairing, ornamenting or finishing of any article; or
- (iii) the adapting for sale of any article.

9. Constitution of Corporation and division of City into wards.— (1) The Corporation shall consist of:—

(a) Thirty Councillors directly elected at ward elections;

(b) Five nominated Councillors having special knowledge or experience in municipal administration, engineering, architecture, archaeology, heritage, etc., nominated by the State Government by a notification.

(2) The "Director of Municipal Administration" with the approval of the State Government shall, from time to time by notification in the Official Gazette, specify for the City the number and boundaries of the wards into which the City shall be divided for the purpose of the ward election of Councillors, and the number of Councillors to be elected for each ward:

Provided that, the provisions made under sub-section (1) or notification issued under sub-section (2) shall not have effect until the expiry of the duration of the existing term of the Corporation.

10. Reservation of seats.— (1) In the seats to be filled in by election in the Corporation there shall be seats reserved for persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and women, as may be determined by the State Election Commissioner, in consultation with the Government;

(2) The seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the Corporation shall bear, as nearly may be, the same proportion to the total number of seats to be filled in by direct election in the Corporation as the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes, in the Corporation area bears the total population of that area and such seats shall be allotted by rotation to different wards in the Corporation:

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes:

Provided further that, where only one seat is reserved for Scheduled Castes, or, as the case may be the Scheduled Tribes, then no seats shall be reserved for women belonging to the Scheduled Caste, or as the case may be the Scheduled Tribes and where only 2 seats are reserved for the Scheduled Caste or, as the case may be, the Scheduled Tribes, one of the 2 seats shall be

reserved for women belonging to the Scheduled Caste, or as the case may be, the Scheduled Tribes.

(3) The seats to be reserved for persons belonging to the category of Other Backward Classes shall be twenty seven per cent of the number of seats to be filled in by election in the Corporation and such seats shall be allotted by rotation to different wards in the Corporation:

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the category of Other Backward Classes.

(4) One-third (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Other Backward Class) of the total number of seats to be filled in by direct election in the Corporation shall be reserved for women and such seats shall be allotted by rotation to different wards in the Corporation.

(5) The reservation of seats (other than the reservation for women) under sub-section (2) shall cease to have effect on the expiration of period specified in Article 334 of the Constitution of India.

12. Power of State Election Commissioner to issue directions to prevent impersonation.— The State Election Commissioner may, with a view to prevent impersonation of electors at the time of election, issue such directions, as he thinks fit, to the presiding officers and such directions may include instructing the electors to produce, at the time of polling, the photo identity cards issued to them under the provisions of the Representation of the Peoples Act, 1951.

15. Disqualifications of candidates.— No person shall be eligible for election, as a Councillor if he—

- (a) is not a citizen of India; or
- (b) has been adjudged by a competent Court to be of unsound mind; or

(c) has, at any time, been convicted of an offence punishable under section 153A, or sub-section (2) or (3) of section 505, of the Indian Penal Code:

Provided that, such disqualification shall be for a period of six years from the date of such conviction; or

(d) has been convicted by a Court in India of any offence involving moral, turpitude, unless a period of six years has elapsed since the date of such conviction; or

(e) has been dismissed from the service of the Government for misconduct and has been declared to be disqualified for employment in the public service; or

(f) has been dismissed for misconduct from the service of any municipal Corporation, municipal committee, notified area of committee, district council or local board and has been declared by the State Government to be disqualified for employment in the public service; or

(g) has been so disqualified by or under any law,—

(i) for the time being in force for the purposes of elections to the Legislature of the State:

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

(ii) made by the Legislature of the State of "Goa".

(h) holds any salaried office under or place of profit of the Corporation or any other local authority, while holding such office or place; or

(i) has directly or indirectly any share or interest in any contract with, by or on behalf of the Corporation while owning such share or interest:

Provided that a disqualification under clause (e), (f), or (i) may be removed by an order of the State Government in this behalf.

Explanation:— A person shall not, by reason of being a share holder in or a member of any incorporate or registered company, be deemed to be interested in any contract entered into between the company and the Corporation.

(j) interferes or in any way acts prejudicial to the interest of the Corporation or the State Government, including by making attempts to stall or in any way obstruct the performance of duties, functions or powers exercised by any officials of the Corporation or the State Government, including acts of demolition of illegal structures.

59. Matters to be provided for by Corporation.— (1) The Corporation shall make adequate provision by any means or measures which it may lawfully use or take, for each of the following matters, namely:—

- (a) lighting public streets, places and buildings;
- (b) planning for economic and social development;
- (c) urban forestry, protection of environment and promotion of ecological aspects;
- (d) cleaning public streets, places, and sewers and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Corporation or not; removing noxious vegetation; and abating all public nuisances;
- (e) disposing of night-soil and rubbish and, if so required by the State Government, preparation of compost manure, from night-soil and rubbish;
- (f) complying with the provisions of the Coastal Regulation Zone, Management Plan and the laws, rules and regulations concerning or dealing with environment protection and noise pollution;

(g) regulating or abating dangerous or offensive trades or practices;

(h) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Corporation or in the Government;

(i) establishing and managing cattle-pounds;

(j) securing or removing dangerous buildings or places;

(k) acquiring and maintaining, changing and regulating places for the disposal of the dead and disposing of unclaimed dead bodies of paupers;

(l) constructing, altering and maintaining public streets, culverts and Corporation boundary marks, latrines, urinals, drains, sewers and providing public facilities for drinking water; watering public streets and places;

(m) the management and maintenance, of all municipal water-works and the construction and maintenance of new works and means for providing a sufficient supply of suitable water for public and private purposes;

(n) the erection in proper and convenient situations on municipal land of water closets, closet accommodation, urinals and other conveniences for the public and the maintenance and the cleansing of the same;

(o) the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses;

(p) establishing and maintaining public hospitals and dispensaries and carrying out other means necessary for public medical relief;

- (q) the maintenance of an ambulance service;
- (r) naming streets and numbering houses;
- (t) registering births and deaths;
- (u) public vaccination;
- (v) prevention of vagrancy; establishing and maintaining poor-houses;
- (w) taking measures to prevent the outbreak, spread or recurrence of infectious diseases;
- (x) the maintenance of a municipal office and of all public monuments and other property vested in the Corporation;
- (y) provision of traffic signs;
- (z) printing and publishing such annual reports and returns on the administration of the Corporation as the State Government may, by general or special order, require the Corporation to submit;
- (z-1) the maintenance of public parks, gardens, recreation grounds, public places and open spaces in existence and vested in the Corporation;
- (z-2) fulfilling any obligation imposed by this Act or any other law for the time being in force;
- (z-3) establishing and maintaining a farm or factory for the disposal of sewage;
- (z-4) any directions issued by the State Government or the Collector of the district:

Provided however, the State Government may by a notification or in matters provided for hereunder or other laws vest or continue to vest such functions, duties and obligations in such other authorities or departments of the State Government and in such matters, corporation shall ensure by taking appropriate measures to act in aid of such authorities or departments of the State Government.

(2) No suit for damages or for specific performance shall be maintainable against the Corporation or any officer or Councillor thereof, on the ground that any of the duties specified in sub-section (1) have not been performed.

219. Regulation of dangerous and offensive trade.— Except in accordance with the provision of this act, no person shall—

(a) store or keep in any premises any articles mentioned in any bye-laws made under this Act as dangerous or offensive, or as being, or likely to be a nuisance to the public or dangerous to life, health or property;

(b) store or keep in any premises the hide or any part of the carcass of any animal afflicted at the time of its death with infectious or contagious disease; or

(c) carry on or allowed to be carried on in any premises any trade, manufacture, industry or operation mentioned in any rules under this Act as dangerous to life, health or property or as likely to create a nuisance, either from its nature or by reasons of the manner in which or the conditions under which the same may be carried on:

Provided that nothing in this section shall affect the provisions of the Indian Explosives Act, 1884, or the Petroleum Act, 1934.

281. Laying railway, skybus or electrical telephone poles.— (1) Without the previous permission in writing of the Commissioner no person shall lay on, under or above any public street any railway or skybus or erect or lay any poles or cables or the like, or operate the same.

(2) The Commissioner shall give such permission in accordance with any general or special rules which may be made by the State Government after considering any representation made by the Corporation.

(3) Nothing in this section shall be deemed to affect any provision of the Indian Telegraph Act, 1885, the Indian Railways Act, 1890, or the Indian Electricity Act, 1910.

293. Levelling, metalling, parking, etc., on streets.—

(1) If any street be not levelled, paved, lighted, sewered, drained, channelled or flagged to the satisfaction of the Commissioner he may, by a written notice, require the owner or owners of the street and the owners of the several premises fronting or adjoining the said street or abutting thereon, or to which access is obtained through such street, or which will benefit by works executed under this section, to contribute in such proportions as he may direct to the cost of levelling, metalling, tarring or asphaltting, paving, lighting, sewerage, draining, channelling or flagging the same. (2) The notice shall show:—

(a) the nature of the intended works;

(b) the estimated expenses thereof including five percent for contingencies; and

(c) the proportion of the expenses payable by each owner.

(3) Any person dissatisfied with the notice of the Commissioner calling upon him to contribute towards the cost may Appeal to the District Court, North Goa at Panaji.

(4) Every such appeal shall be presented within thirty days from the date of the receipt of the notice issued under sub-section (1) and shall be accompanied by a copy of the said notice.

(5) The provisions of the Indian Limitation Act, 1963, relating to appeals shall apply to every appeal preferred under this section.

(6) On recovery of the full amount of the estimated expenses, the Commissioner shall carry out the work with all convenient speed.

(7) Any expenditure involved over and above the amount so recovered shall be met from the municipal fund; but if the actual cost of the work as finally completed is less than the estimated cost, the surplus shall be refunded to the contributors proportionately to their contributions in all cases where a refund would amount to not less than fifty rupees.

(8) If no appeal is preferred under sub-section (3) within the period specified in sub-section (4), or, if an appeal is preferred and no effect is given to the decision of the District Court affirming the order of the Commissioner, the Commissioner may execute the work mentioned in the notice referred to in sub-section (1) and may recover the expenses incurred in so doing from the owners in default in the proportion specified in the said notice.

(9) The Commissioner may, in consultation with the Police, from time to time, earmark such places as he thinks fit to be the parking or halting places or lots for vehicles on any part of a public street or public place.

(10) The Commissioner may, charge such fees or charges from any person for use of such place or lot by him for parking or halting a vehicle for each day or part thereof subject to such terms and conditions as the Commissioner may think fit, with the approval of the Corporation.

294. Power to declare streets when metalled, etc., public streets.— (1) When any street has had been levelled, metalled, tarred or asphalted, paved, made good, lighted, drained, channelled and flagged to the satisfaction of the Commissioner, he shall, if so required by the persons liable for the greater part of the expenditure on such street, by notice put up in any part of such street, declare the same to be a public street. The said street shall thereupon become a public street.

(2) The Commissioner may, at any time, by a notice exhibited in any street or part of a street not maintained by the Corporation, give intimation of his intention to declare the same a public street and, unless within one month next after such notice is first exhibited the owner of the majority of owners of such street or such part of street, lodges or lodge objections thereto with the Corporation, the Commissioner may, by a notice exhibited in such street or part, declare the same to be a public street vested in the Corporation.

(3) Any person aggrieved by a notice under subsection (2) may appeal within thirty days from the date the notice is first exhibited, to the District Court of North Goa at Panaji, which shall give a reasonable opportunity of being heard to the appellant and the Corporation.

(4) The provisions of the Indian Limitation Act, 1963, relating to appeals shall apply to every appeal preferred under this section.

321. Importing beggar.— Whenever the Commissioner receives information that any person within the limits of the City lives wholly or in part on the proceeds of the begging of others, he may, in writing inform a Magistrate, who shall deal with such person as if the information received about him was of the description mentioned in section 109 of the Code of Criminal Procedure, 1973, and for the purposes of any proceedings under this section the fact that a person lives as aforesaid may be proved by evidence of general repute or otherwise.

350. Limitation of Time.— Where no time is prescribed by this Act for the presentation of an application or appeal, such application or appeal shall be presented, subject to the provisions of section 5 of the Indian Limitation Act, 1963, within thirty days after the date of the order on respect of or against which the application or appeal is made:

Provided that if the application is an application for revision to the High Court, the period of limitation shall be ninety days.

351. Procedure in prosecution.— (1) No Court shall take cognizance of any offence under this Act or under any rule or bye-law made thereunder except on a complaint signed by the Commissioner, or by the officer in charge of a police station authorized by the Commissioner in his behalf either generally in regard to all such offences or particularly in regard only to specific offences or offences of a special class.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, it shall not be necessary in respect of any offence punishable under this Act to examine the complainant when the complaint is presented in writing.

365. Councillors and Municipal Officers, etc., to be deemed public servants.— Every officer or servant in the employment of the Corporation whether for the whole or part of his time, and every Councillor of the Corporation shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 and for the purposes of the Prevention of Corruption Act.

