

The Goa Town and Country Planning (Amendment) Bill, 2017

(Bill No. 26 of 2017)

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BILL

5 *further to amend the Goa, Daman and Diu Town
and Country Planning Act, 1974 (Act No. 21 of
1975).*

BE it enacted by the Legislative Assembly of
Goa in the Sixty-eighth Year of the Republic of
India as follows:—

10 **1. Short title and commencement.**— (1) This
Act may be called the Goa Town and Country
Planning (Amendment) Act, 2017.

(2) It shall come into force on such date as the
Government may, by notification in the Official
Gazette, appoint.

15 **2. Amendment of section 16A.**— In section
16A of the Goa, Daman and Diu Town and
Country Planning Act, 1974 (Act No. 21 of 1975)
(hereinafter referred to as the “principal Act”),
20 in sub-section (2), for the expression “fine which
may extend to Rs. 1.00 lakh”, the expression
“simple imprisonment which may extend to one
year, or with fine of Rs. 10.00 lakh, or with both”
shall be substituted.

25 **3. Amendment of section 17B.**— In section
17B of the principal Act, in sub-section (1), for
the expression “Rs. 1.00 lakh”, the expression
“Rs. 10.00 lakhs” shall be substituted.

4. Amendment of section 49.— In section 49 of the principal Act, in sub-section (6),—

(i) for the expression “within a planning area”, the expression “within a planning area or from the Town and Country Planning Department within a area other than a planning area” shall be substituted; 5

(ii) for the expression “in respect of the planning area”, the expression “in respect of the planning area or from the Chief Town Planner (Planning) or such officer as may be authorised by him by notification in the Official Gazette, in respect of such other area” shall be substituted. 10

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend sub-section (2) of section 16A of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975) (hereinafter referred to as the "said Act") so as to make the penal provision in respect of contravention of the regional plan more stringent.

The Bill further seeks to amend section 17B of the said Act so as to increase fine for illegal cutting of hilly land or filling up of any low lying land, from Rs. 1.00 lakh to 10.00 lakh.

The Bill also seeks to amend sub-section (6) of section 49 of the said Act so as to control unauthorised sub-division of land in non-planning areas.

This bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1(2) of the Bill empowers the Government to appoint a date for bringing into force the Act.

Clause 3 of the Bill empowers the Chief Town Planner (Planning) to authorise an officer, by notification in the Official Gazette, for the purposes of section 49 (6).

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These delegations are of normal character.

Porvorim, Goa
13-12-2017.

(Vijay Sardesai)
Hon. Minister for (TCP)

Assembly Hall,
Porvorim, Goa.
13-12-2017.

(Nilkanth Subhedar)
Secretary to the Legislative
Assembly of Goa.

ANNEXURE

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**Extract of Sections 16A, 17B and 49 of the Goa Daman
and Diu Town and Country Planning Act, 1974 (Act
21 of 1975)**
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Section 16A

16A. Development to conform to regional plan.—

- (1) No person shall undertake any work of development in contravention of any provision of the regional plan as in force, except the project/ /schemes/development works under taken by the Central Government or the Government, either by himself or through his servant or agent or any other person and all such development work shall be in conformity with the provisions of the regional plan.
- (2) Whoever undertakes any work or development in contravention of the regional plan as in force, shall be punished with fine which may extend to Rs. 1.00 lakh.
- (3) As offence under this section shall be cognizable.

Section 17B

17B. Penalty for contravention of section 17A.—

- (1) Whosoever contravenes or abets the contravention of any of the provisions of section 17A, shall be punishable with simple imprisonment for a period which may extend to one year or fine which may not be less than Rs. 1.00 lakh or with both.
- (2) An offence under this section shall be cognizable.

Section 49

49. Sanction for sub-division of plot or layout of private street and restriction on registration of purchase, sale or transfer of immovable property.—

- (1) Any person intending to sub-divide his plot or make or layout a private street, on or after the date on which a public notice of the preparation of a Development Plan is published under sub-section (1) of section 35, shall submit the layout plan together with the prescribed particulars to the Planning and Development Authority for sanction.
- (2) The Planning and Development Authority may within the prescribed period, sanction such plan either with or without modifications and conditions as it considers expedient or may refuse to give sanction if it is of the opinion that such sub-division, making or layout is not in conformity with the proposals contained in a Development Plan.
- (3) When the sanction is granted subject to conditions or refused, the grounds for imposing such conditions or such refusal shall be recorded in writing in the order and such order shall be communicated to the applicant in the manner prescribed.
- (4) If any person does any work in contravention of the provisions of sub-section (1) or in contravention of the modifications and conditions of the sanction granted under sub-section (2) or in spite of the refusal of sanction under sub-section (2), the Planning and Development Authority may direct such person by notice in writing to stop any work in progress and after making an inquiry in the prescribed manner, remove or pull down any work or restore the land to its original condition.

- (5) Any expenses incurred by the Planning and Development Authority under sub-section (4) shall be a sum due to the Planning and Development Authority under this Act from the person in default.
- (6) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of sub-section (1) of section 29 of the Registration Act, 1908, purports to transfer, assign, limit or extinguish the right, title or interest of any person, in respect of plots which are not as per Survey Plan issued by Survey Department or plots which have no development permissions for such sub-division from Planning and Development Authority within a planning area, no registering officer appointed under the Act, shall register any document, unless the owner of such plot produces a certificate of sanction or a certificate of "no objection" from the Planning and Development Authority exercising jurisdiction in respect of the planning area:

Provided that no such certificate of sanction or "no objection" shall be required to be produced if the sub-division of land or the making or layout of any property results from the rights of inheritance within a family.

Provided further that no such certificate of sanction or no objection shall be required to be produced for the purpose of mortgaging immovable property in favour of any financial institution notified by the Government by a notification in the Official Gazette, for the purpose of this Act.



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA TOWN AND COUNTRY
PLANNING (AMENDMENT) BILL, 2017**

(Bill No. 26 of 2017)

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

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
DECEMBER, 2017**

