

The Goa (Verification of Tenants) Bill, 2021
(Bill No.52 of 2021)

A
Bill

to provide for collection and verification of details of the persons occupying premises in the State of Goa either on rent or for other consideration so as to obtain timely information of such persons from security point of view and for the matters connected therewith and incidental thereto.

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

- 1. Short title, extent commencement.** – (1) This Act may be called the Goa (Verification of Tenants) Act, 2021.
 - (2) It shall extend to the whole of the State of Goa.
 - (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.
- 2. Definitions.-** In this Act, unless the context otherwise requires,-
 - (a) “Government” means the Government of Goa;
 - (b) “owner” means owner of premises;
 - (c) “premises” means any house, flat, building, any structure either temporary or permanent or any part thereof, which is, or is intended to be, let for use as a residence or for commercial use or any other purpose, and includes the garden, ground and out-houses, if any, appurtenant to the same; but does not include a room in a hotel or lodging house or guest house which is registered under the Goa Registration of Tourist Trade Act, 1982 (Act 10 of 1982);
 - (d) “prescribed” means prescribed by the rules made under this Act;
 - (e) “tenant” means a person occupying premises on rent or for other consideration.
- 3. Maintenance of Record by Owner.** – (1) Every owner shall, before allowing accommodation to any tenant, in the State of Goa, verify his bonafides by obtaining and inspecting photo identity, such as Election card, Driving License, Aadhaar Card, passport, or such other documents as may be specified by the Government by notification in the Official Gazette.
 - (2) Every such owner shall maintain record of such tenant and shall submit such information, in such form and in such manner and to such officer, as prescribed.

- 4. Inspection of records.** - The Police Officer not below the rank of Head Constable or such other officer as may be specified by the Government by notification in the Official Gazette shall be entitled to inspect at any time records required to be maintained under section 3.
- 5. Non maintenance and non submission of Information to be an offence.—**
(1) Failure on the part of the owner to maintain and submit the information in the manner as required under the provisions of section 3 of this Act, shall constitute an offence which shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 10,000/- (Rupees ten thousand) or with both:
Provided that an offence punishable under this section may be compounded by such officer as the Government may by notification in the Official Gazette appoint, on payment to the credit of the Government a sum not exceeding Rs. 10,000/- (Rupees ten thousand) as may be specified by the Government by notification in the Official Gazette.
(2) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed by the Government.
(3) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.
(4) Where the compounding of an offence is made after the institution of any prosecution, such compounding shall be brought to the notice of the court in which the prosecution is pending in writing by the officer referred to in subsection (1), and on such notice of the compounding of the offence being given to the court, the person against whom the offence is so compounded shall be discharged.
- 6. Court competent to take cognizance, and try offences.** – No court other than the Court of a Judicial Magistrate First Class shall take cognizance of, and try an offence under this Act.
- 7. Power of Government to give directions.** – The Government may give direction to any Government Department or Agency, local authority or any other authority or any person, under this Act with regard to collection and verification of proof of identity of tenants occupying premises in the State of Goa and maintenance of record thereof and such Government Department or Agency, local authority or any other authority or any person shall be bound to comply with such direction.
- 8. Other laws not affected.** – The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.

- 9. Protection of action taken in good faith.** – No. suit, prosecution or other legal proceedings shall lie against the Government or the local authority or any officer or other employee of the Government or any other person authorized by the Government for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder
- 10. Power to make rules.** – The Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act.
- 11. Power to remove difficulties.** – (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly of Goa.

STATEMENT OF OBJECT AND REASONS

The Bill seeks to provide for collection and verification of details of the persons occupying premises in the State of Goa either on rent or for other consideration so as to enhance the security of the citizens of the State of Goa and to prevent breach of peace and for maintenance of public order.

FINANCIAL MEMORANDUM

No Financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1(3) of the Bill empowers the Government to appoint a date, by notification in the Official Gazette, for bringing the Act into force.

Clause 3(1) of the Bill empowers the Government to specify additional categories of documents for establishing the identity proof of the tenants.

Clause 3(2) of the Bill empowers the Government to make rules for specifying the form, manner and the Officer to whom the information to be submitted.

Clause 4 of the Bill empowers the Government to issue notification to specify the additional officers who may inspect the records pertaining to tenants, required to be maintained by the owner of house.

Clause 5(2) of the bill empowers the Government to frame rules for specifying the form and manner of making an application for compounding of an offence.

Clause 10 of the Bill empowers the Government to frame rules for the purpose of implementing the provisions of the Act.

Clause 11 of the Bill empowers the Government to make order for removing difficulty encountered during implementation of the Act.

These delegations are of normal character.

Porvorim-Goa
19/10/2021

(Dr. Pramod Sawant)
Chief Minister/Home Minister

Assembly Hall
Porvorim-Goa
19/10/2021

(Namrata Ulman)
Secretary to the
Legislative Assembly of Goa