

**The Goa Command Area Development
(Amendment) Bill, 2022**

(Bill No. 21 of 2022)

A

BILL

*further to amend the Goa Command Area
Development Act, 1997.*

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Be it enacted by the Legislative Assembly of
Goa, in the Seventy Third year of the Republic of
India as follows:-

1. Short title, extent and commencement.—

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“ (1) This Act may be called the Goa Command
Area Development (Amendment) Act, 2022.

(2) It shall extend to the areas as specified in
the Schedule and such other areas, as the State
Government may, by notification in the Official
Gazette specify.

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(3) It shall come into force at once.

2. Amendment of section 35— In Goa
Command Area Development Act, 1997, (herein
after referred to as the “Principal Act”), in
Section 35 clause (1):-

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For sub-clause (g) the following sub-clause may
be substituted, namely:-

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“ (g) uses water unlawfully or unauthorisedly
or agrees to or allows to grow any crops in
contravention of any notification under this Act
shall, on conviction, be punished with fine

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which shall not be less than five thousand rupees, but may extend to ten thousand rupees :

Provided that in case of a continuing offence, a fine not exceeding five hundred rupees per day shall also be imposed during the period of the continuance of the offence". 5

STATEMENT OF OBJECTS AND REASONS

Clause 2 of the Bill seeks to amend Clause (1)(g) of Section 35 of the Goa Command Area Development Act, 1997 (hereinafter referred to as the “said Act”) by modifying the Clause so as to decriminalize the Act by removing the word ‘imprisonment’ and increasing the penalty amounts.

This bill seeks to achieve the above objects

FINANCIAL MEMORANDUM

The proposed the Goa Command Area Development (Amendment) Act, 2022 does not involve any recurring or non-recurring expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to amend Clause (1)(g) of Section 35 of the Goa Command Area Development Act, 1997 (hereinafter referred to as the “said Act”) by modifying the Clause so as to decriminalize the Act by removing the word ‘imprisonment’ and increasing the penalty amounts.

These delegations are of normal character.

Assembly Hall,
Porvorim, Goa
/07/2022.

Shri Subhash Shirodkar
Hon. Minister for
Water Resources

Assembly Hall,
Porvorim, Goa
/07/2022.

Smt. Namrata Ulman
Secretary to Legislative
Assembly of Goa

ANNEXURE

**EXTRACTS OF SECTION 35 OF THE GOA
COMMAND AREA DEVELOPMENT ACT, 1997**

35. Penalties.— (1) Whoever, voluntarily or without proper authority,—

(a) damages, alters, enlarges, or obstructs any “irrigation” system under a pipe outlet;

(b) interferes with, increases, or diminishes the water supply in or the flow of water from, through, over or under any “irrigation” system under a pipe-outlet;

(c) being responsible for maintenance of the “irrigation” system under a pipe outlet, neglects to take proper precautions for prevention of wastage of the water thereof or interferes with the authorised distribution of water therefrom or uses water in an unauthorised manner or in such manner as to cause damage to the adjacent land holding;

(d) corrupts or fouls, the water of any “irrigation” system under a pipe-outlet so as to render it less fit for the purpose for which it is ordinarily used;

(e) destroys, defaces or removes any level marks or water-gauge or any other work or sign fixed by the Command Area Development Board or a public servant;

(f) opens, shuts or obstructs or attempts to open, shut, or obstruct any sluice or outlet or any other similar contrivance in any “irrigation” system under a pipe-outlet or drainage system;

(g) uses water unlawfully or unauthorisedly or agrees to or allows to grow any crop in contravention of any notification under this Act shall, on conviction, be punished with imprisonment which may extend

to two years or with fine which shall not be less than one thousand rupees, but may extend to five thousand rupees or with both:

Provided that in the case of a continuing offence, a fine not exceeding one hundred rupees per day shall also be imposed during the period of the continuance of the offence.

(2) While convicting any person under sub-section (1), the Judicial Magistrate may order that the said person shall remove the obstruction or repair the damage, sluice or outlet or replace the level mark, water gauge or other work in respect of which the conviction has taken place, within a period to be specified in such order. If such person neglects or refuses to obey such orders within the period so fixed, the Command Area Development Board may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person as arrears of land revenue.

Assembly Hall
Porvorim, Goa
Dated: /07/2022

Shri. Subhash Shirodkar
Hon. Minister for
Water Resources

Assembly Hall
Porvorim, Goa.
Dated: /07/2022.

Smt. Namrata Ulman
Secretary to Legislative
Assembly of Goa

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**Governor's Recommendation under Article
207 of the Constitution of India**

In pursuance of Article 207 of the Constitution of India, I, P. S. Sreedharan Pillai, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Command Area Development (Amendment) Bill, 2022 by the Legislative Assembly of Goa.

RAJ BHAVAN
Dated: /07/2022

P. S. SREEDHARAN PILLAI
Governor of Goa



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA COMMAND AREA DEVELOPMENT
(AMENDMENT) BILL, 2022**

(Bill No. 21 of 2022)

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

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2022**

