



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The City of Panaji Corporation
(Amendment) Bill, 2022**

(Bill No. 9 of 2022)

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

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

**The City of Panaji Corporation
(Amendment) Bill, 2022**

(BILL No. 9 of 2022)

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BILL

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, 2022.

(2) It shall come into force at once.

15 **2. Insertion of new section 242A.**— After section 242 of the City of Panaji Corporation Act, 2002, the following section shall be inserted, namely:—

20 **“242A. Sealing of premises carrying on any trade or occupation without licence.**— (1) If any person without obtaining a licence from the Commissioner carries on any trade or occupation in any premises within the limits of the Corporation area, the Commissioner shall, after giving an opportunity of being heard to such person, pass an order to seal such premises:

25 Provided that if an application for licence is submitted to the Corporation the premises *shall not be sealed till such time said application is rejected on merit:*

Provided further that no such premises shall be sealed till the time of expiry of the period allowed to the applicant for rectifying the defect found by the Commissioner.”.

3. Substitution of section 320. — For section 320 of the principal Act, the following section shall be substituted, namely:— 5

320—Soliciting alms.— Whoever, in any street or public place within the limits of the Corporation area, begs for alms, or exposes, or exhibits with the object of exciting or extorting alms any deformity, disease or bodily ailment or any offensive sore or wound, shall be provided shelter in the shelter homes recognised or aided by the Government.”. 10 15

4. Substitution of section 397.— For section 397 of the principal Act, the following section shall be substituted, namely:—

“397. Punishment for essential officer leaving employment.— Any essential officer or servant contravening any of the provisions of section shall on conviction, be punished in the case of a first conviction with fine which may extend to ten thousand rupees and in case of a second one subsequent conviction, with fine of fifteen thousand rupees.”. 20 25

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to insert new section 242A in the City of Panaji Corporation Act, 2002 (Goa Act of 2003) so as to streamline the trade licenses in the Municipal Corporation Area.

The Bill also seeks to amend sections 320 and 397 of the said Act so as to decriminalize the provisions of imprisonment in said Section.

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 **(VISHWAJIT P. RANE)**
20th July, 2022. Minister for Urban Development

Assembly Hall, **(NAMRATA ULMAN)**
Porvorim-Goa Secretary to the Legislative
20th July, 2022. Assembly of Goa

(Annexure to the Bill No. 9 of 2022)

**The City of Panaji Corporation (Amendment)
Bill, 2022
The City of Panaji Corporation Act, 2002**

Section 320: Soliciting Alms

(1) Whoever, in any street or public place within the limits of the Corporation, begs for alms, or exposes, or exhibits with the object of exciting or extorting alms any deformity, disease or bodily ailment or any offensive sore or wound, shall be punishable with imprisonment which may extend to three months.

(2) If the Court finds that a person has committed an offence punishable under sub-section (1), it may, if in its opinion the person is unable to earn a livelihood owing to physical infirmity or debility or is otherwise a fit person to be committed to a poor-house, in lieu of passing a sentence Order that he may be committed to poor-house maintained by the Corporation or approved by the State Government, for such term and subject to such conditions as may be prescribed by rules made under this Act.

(3) If the person committed to a poorhouse under sub-section (2) escapes from it or commits a breach of any condition subject to which he was committed to the poorhouse, he shall be punishable with imprisonment for a term which may extend to six months.

(4) If the Court finds that the person who has committed an offence punishable under sub-section (1) was not born within the limits of the City or has not been continuously resident therein for more than one year, it may, in lieu of Passing a sentence or order referred to in the aforesaid sub-sections, by order in writing direct the said person to leave the said limits within such time and by such route or routes as may be stated in the order and not to return thereto without the permission in writing

of the District Magistrate. If the said person fails to comply with the order within the time specified therein, the Court may cause the said person to be removed beyond the limit of the City under such escort as it may direct.

(5) If the said person returns within the limits of the City without the permission of the authority specified in a term which may extend to six months.

(6) Until and during the trial, a person accused of an offence under this section may be detained either in custody under section 309 of the Code of Criminal Procedure, 1973, or in a poorhouse, according as the Court may, from time to time, direct.

(7) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable.

Section 397: Punishment for essential officer leaving employment

Any essential officer or servant contravening any of the provisions of section 56 shall be punishable with imprisonment which may extend to six months or with fine or with both.

Section 56 is as follows:

"Extraordinary pension in case of officer or servant injured or killed in execution of his duty.—

The Corporation may give an extraordinary pension, gratuity or compassionate allowance in accordance with the rules or bye-laws framed in this behalf— (a) to any municipal officer or servant injured in the execution of his duty, or (b) to the family or other relatives dependent on any municipal officer or servant who is killed in the execution of his duty, or whose death is due to devotion to duty or who dies during service: Provided that the extraordinary pension, gratuity or compassionate allowance paid to a municipal officer or servant shall in no circumstances exceed that payable to a person of similar rank or position in the service of the Government."