

The Goa Municipalities (Amendment) Bill, 2023

(Bill No.      of 2023)

A

BILL

further to amend the Goa Municipalities Act, 1968 (Act 7 of 1969).

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

**1. Short title and commencement.** — (1) This Act may be called the Goa Municipalities (Amendment) Act, 2023.

(2) It shall be come into force at once.

**2. Amendment of section 9.** —In section 9 of the Goa Municipal Act, 1968 (Act 7 of 1969) (hereinafter referred to as the “principal Act”), in sub- section (2), for the word “Director”, the words “State Election Commission in consultation with the Government” shall be substituted.

**3. Amendment of section 184.** —In section 184 of the principal Act, -

(i) in sub-section (3), for the words “sixty days”, the words “ fifteen days” shall be substituted;

(ii) in sub-section (4), for the words “sixty days”, wherever they occur, the words “fifteen days” shall be substituted;

(iii) in sub-section (6), for the words “the person giving notice”, the words “the permission shall be deemed to have been granted and the person giving notice” shall be substituted.

## **Statement of Objects and Reasons**

1. The Bill seeks to amend section 9 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the “said Act” ) for devolving the powers of delimitation to the State Election Commission so that elections to the Municipal Councils are conducted in a free, fair and transparent manner.
2. The Bill seeks to amend section 184 of the said Act so as to curtail delay in obtaining permission for construction of building and to promote ease of doing business.
3. This Bill seeks to achieve the above objects.

## **Financial Memorandum**

No financial implications are involved in this Bill.

## **Memorandum Regarding Delegated Legislation**

Clause 4 of the Bill empowers the Government to frame Rules providing for the manner in which the Municipal Council may submit its proposal to the Government for execution of works of public interest in Municipal area. This delegation is of normal character.

Porvorim- Goa.  
March, 2023.

**(VISHWAJIT P. RANE)**  
Minister for Urban Development

Assembly Hall,  
Porvorim- Goa  
March, 2023

**(NAMRATA ULMAN)**  
Secretary to the Legislative  
Assembly of Goa

(Annexure to the Bill No.....of 2023)

The Goa Municipalities (Amendment) Bill, 2023

The Goa Municipalities Act, 1968 (Act 7 of 1969)

**9. Composition of Councils.**— (1) Save as otherwise provided by this Act, every Council shall consist of Councillors elected at ward elections; Provided that—

(1) in every Council, no less than (1/3) seats shall be reserved for women;

(2) in every Council, seat shall also be reserved for Scheduled Caste, Scheduled Tribes and Other Backward Class and for woman belonging to Scheduled Caste, as the case may be, the Scheduled Tribes and Other Backward Class as provided in sub-section (2) The Director shall from time to time by an order published in the Official Gazette fix for each municipal area—

(a) the number of elected Councillors in accordance with the following table:

**(i) 'A' class-** The minimum number of elected Councillors shall be 20 and for every 2,500 of the voters in municipal area or part thereof above 50,000 there shall be one additional elected Councillors, or however , that the total number of elected councilors shall b not exceed 25.

**(ii) 'B' class-** The minimum number of elected Councillors shall be 12 and for every 2,500 voters in municipal area or part thereof above 10,000 there shall be one additional elected Councillors, so however, that the total number of elected Councillors shall not exceed 20.

**(iii) 'C' class-** The number of elected Councillors shall be 10.

(b) the number of seats, if any, to be reserved for the Scheduled Castes or Scheduled Tribes so that such number shall bear, as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and not less than one-third of such seats shall be reserved for women and such seats shall be allotted by rotation to different wards in the Council.

(c) the number of seats for the office of Chairperson in the Council for Scheduled Castes, the Scheduled Tribes and women so that such number will bear as nearly as may be, the same proportion to the number of elected Councillors as the population of the scheduled Castes, Scheduled Tribes in the municipal area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Council.

(3) The reservation of seats for Scheduled Castes and Scheduled Tribes made by an order under sub-section (2) shall cease to have effect when the reservation of seats for those Castes and Tribes in the House of the People ceases to have effect under the Constitution of India: Provided that nothing in this sub-section shall render any person elected to any such reserved seat ineligible to continue as a Councillor during the term of office for which he was duly elected by reason only of the fact that the reservation of seats has so ceased to have effect.

(4) Every order under sub-section (2) shall take effect for the purposes of the next general election of the Council immediately following after the date of the order.

## CHAPTER XII

### Control over Buildings

**184. Notice of construction of building.**— (1) The expression —to construct a building throughout this Chapter includes—

- (a) any material alteration, enlargement or reconstruction of any building, or of any wall including compound wall and fencing, *verandah*, fixed platform, plinth, door step or the like, whether constituting part of a building or not;
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation;
- (c) the conversion into more than one place for human habitation of any place originally constructed as one such place;
- (d) the conversion of two or more places of human habitation into a greater number of such places;
- (e) such alterations of the internal arrangements of a building, as affect its drainage, ventilation or other sanitary arrangements, or its security or stability; and

(f) the addition of any rooms, buildings, or other structures to any buildings, and a building so altered, enlarged, reconstructed, converted or added to, is throughout this Chapter included under the expression —a new building.

(2) Before beginning to construct any building, the person intending so to construct shall give to the Chief Officer notice thereof in writing and shall furnish to him at the same time, if required by a bye-law or by a special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Chief Officer, and all information required by the bye-laws or demanded by the Chief Officer regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, privies, waterclosets, house-gullies and cess-pools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, the means of access to such building and the purpose for which the building will be used:

Provided that, if the bye-laws of the Council so require, such notice shall be in such form as the Council may from time to time prescribe and such plans shall be signed by a person possessing the qualifications laid down in the bye-laws or licensed under the bye-laws so to sign such plans.

(3) If the person giving notice under sub-section (2) fails to—

(i) furnish all the information and documents required under sub-section (2); or

(ii) the Chief Officer deems it necessary to call for any further information or documents, the Chief Officer shall, within sixty days of the receipt of the notice, require such person by an order in writing to furnish such information or documents.

(4) Within sixty days of the receipt by the Chief Officer of the notice under sub-section (2), or if any further information and documents have been called for under sub-section (3) then within sixty days of the receipt of all such further information and documents, the Chief Officer may—

(a) grant the necessary permission to construct according to the plans and information furnished under sub-section (2) and subsection(3);

(b) impose any conditions in accordance with this Act or the rules and bye-laws made thereunder, as to the level, drainage, sanitation, materials or to the number of storeys to be erected, or with reference to the location of the building in relation to any street existing or projected or to the means of

access to such building on the purpose for which the building is to be used;

(c) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building or street have been decided to his satisfaction;

(d) subject to the provisions of the next succeeding section, refuse such permission for reasons which shall be communicated to the applicant in writing.

(5) The Council may, before any work has been commenced in pursuance of any permission granted by the Chief Officer under subsection (4), revoke such permission and may give fresh permission in lieu thereof or issue any other order as may be passed by the Chief Officer under sub-section (4).

(6) If the Chief Officer fails to issue an order under clause (c) or (d) of sub-section (4) within the period prescribed in that sub-section, the person giving notice under sub-section (2) shall, after the expiry of the said period, be entitled to proceed with the work in respect of which such notice has been given under sub-section (2), in the manner specified in such notice, provided that such manner is not inconsistent with any provision of this Act or any rule or bye-law for the time being in force thereunder.

(7) No person who becomes entitled under sub-section (4), (5) or (6) to proceed with any intended work of which notice is required by subsection (2), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (2) to (6).

(8) If any person begins any construction of a building of which notice is required to be given under sub-section (2)— (i) without the permission of the Chief Officer under sub-section (4) or of the Council under sub-section (5), save as otherwise provided under sub-section (6); or (ii) having received permission under clause

(a) of sub-section (4), contrary to the plans and information furnished under sub-sections (2) and (3); or (iii) having received permission under clause

(b) of sub-section (4), contrary to the conditions imposed under that clause or contrary to the plans and information submitted under sub-sections (2) and (3) in so far as such plans and information are not modified by such conditions; or (iv) contrary to the provisions of sub-section (6), when construction is begun under that sub-section, the Chief Officer may, by a written notice, require such person to stop

such construction and to alter or demolish any construction already made as specified in the notice. If, within fifteen days from the service of such notice for demolishing any such construction, the work of demolishing it is not commenced, the Chief Officer may cause such work to be done and the expenses incurred therefor shall be recoverable from the person concerned in the same manner as an amount due on account of a property tax.

(9) Any person who fails to comply with the notice issued by the Chief Officer under sub-section (8), shall, on conviction, be punished with fine which may extend to fifteen thousand rupees.

(10) The Court convicting such person may also direct such person to demolish or alter the building in accordance with the order of the Chief Officer or in such other manner as the Court may deem proper and within the period specified by the Court. If such person fails to demolish or alter the building within the period specified by the Court, or in the manner required by the Court, he shall, on conviction, be punished with further fine which may extend to one hundred rupees for every day after the expiry of the period for compliance specified by the Court in its order during which such non-compliance continues.

(11) Nothing in sub-section (8) or (10) shall be deemed to affect the power of the Council or the Chief Officer to demolish or alter the building under section 190.

(12) The Chief Officer may, at any time, inspect without giving notice of his intention to do so, any work of which notice is required by sub-section (2); and at any time during the execution of any work may, by written notice, specify any matter in respect of which the execution of such work is in contravention of any provision of this Act or of any bye-laws made under this Act or of any order passed under this section; and require the person executing such work to cause anything done contrary to any such provision or bye-laws or order to be amended or to do anything which by any such provision or bye-law or order he is required to do but which has been omitted.

(13) Any person aggrieved by an order of the Chief Officer made under sub-section (8) may prefer an appeal against the order to the Appellate Tribunal within the period specified in the order for the demolition of the construction or work to which it relates.

(14) Where an appeal is preferred under sub-section (13) against the order of demolition, the appellate Tribunal may, subject to the provisions of sub-section (3) of section 184 C, stay the enforcement of that order on such terms, and for such purpose, as it may think fit: Provided that where the erection of any building or



execution of any work has not been completed at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by the Appellate Tribunal unless security sufficient in the opinion of the said Appellate Tribunal has been given by the appellant for not proceeding with such erection or work pending the disposal of the appeal.

(15) Subject to any order may by the Government on appeal under section 184 D, every order made by the Appellate Tribunal on appeal under this section, and subject to the orders of the Government and the Appellate Tribunal on appeal, the order of demolition made by the Chief Officer shall be final.

(16) Where no appeal has been preferred against an order of demolition made by the Chief Officer under sub-section (8) or where an order of demolition made by the Chief Officer under that sub-section has been confirmed on appeal, whether with or without variation, by the Appellate Tribunal in a case where no appeal has been preferred against the order of the Appellate Tribunal, and by the Government in a case where an appeal has been preferred against the order of the Appellate Tribunal, the persons against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any, fixed by the Appellate Tribunal or Government on appeal and on the failure of the person to comply with the order within such period, the Chief Officer may himself cause the erection or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an amount due on account of property tax.

(17) If an order made by the Chief Officer under sub-section (8) directing any person to stop the construction is not complied with, the Chief Officer may in addition to any other action that may be taken under this Act, may require any Police Officer to remove such person or his assistants and workmen from the premises or to seize any construction material, tool, machinery, scaffolding or other things used in the construction within such time as may be specified in the requisition and such Police Officer shall comply with the requisition accordingly.

(18) Any of the things caused to be seized by the Chief Officer shall be disposed off by him in the manner specified in section 156.

(19) After the requisition under sub-section (18) has been complied with, the Chief Officer may, if he thinks fit, depute by a written order, a Police Officer or a Municipal Officer or other Municipal employee to watch the premises in order to ensure that the construction is not continued.

(20) Where a Police Officer or a Municipal Officer or other Municipal employee has been deputed under sub-section (19) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such construction is being continued or to whom notice under sub-section (8) was given and shall be recoverable from such person as an amount due on account of a property tax].

(21) Notwithstanding anything contained in any other provisions of this Act, the Chief Officer may, subject to the recommendation of the Council, regularize any construction in respect of which no notice as required under sub-section (2) has been given, on payment of a fine equivalent to the fees and taxes payable in respect thereof from the date of commencement of such construction, provided that such construction is as per the building bye-laws and complies with the provisions of any other law for the time being in force.