



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA INDUSTRIAL DEVELOPMENT  
(AMENDMENT) BILL, 2024**

(Bill No. 31 of 2024)

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

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

**JULY, 2024**

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## The Goa Industrial Development (Amendment) Bill, 2024

(Bill No. 31 of 2024)

A  
BILL

*further to amend the Goa Industrial Development Act, 1965 (Act No. 22 of 1965).*

5 BE it enacted by the Legislative Assembly of Goa in the Seventy-fifth Year of the Republic of India as follows:—

10 **1. Short title and commencement.**— (1) This Act may be called the Goa Industrial Development (Amendment) Act, 2024.

(2) It shall come into force at once.

15 **2. Amendment of section 2.**— In section 2 of the Goa Industrial Development Act, 1965 (Act No. 22 of 1965) (hereinafter referred to as the “principal Act”),—

(i) in clause (a), for the word “road”, the expression “means of access” shall be substituted;

20 (ii) after clause (a), the following clause shall be inserted, namely:—

“(aa) Board of Directors” or “Board” means the collective body of the directors of the Corporation;”;

30 (iii) clause (c) shall be omitted;

25 (iv) for clause (e), the following clause shall be substituted, namely:—

"(e) "development" with its grammatical variations and cognate expressions, means the carrying out of building, engineering, quarrying, mining or other operations, in, on, over or under land or water, or the making of any material change, to any building, or land, or in the use of any building or land, and includes demolition of any existing building, structure or erection or part of such building, structure or erection and re-development, sub-division of any land and "to develop" shall be construed accordingly."

(v) for clause (f), the following clause shall be substituted, namely:—

"(f) "Enterprise" means an industrial undertaking, commercial undertaking, or utility for which land may be provided by the Corporation;"

(vi) in clause (g), for the word "industries", the word "enterprises" shall be substituted;

(vii) for clause (h), the following clause shall be substituted, namely:—

"(h) "Industrial Estate" means any industrial area notified by the State Government where the Corporation provides amenities, plots or builds factory sheds or buildings and makes them available for any enterprise;"

(viii) clause (i) shall be omitted;

(ix) for clause (h), the following clause shall be inserted, namely:—

"(ha) "Land" includes benefits to arise out of land, and things attached to the earth or

permanently fastened to anything attached to the earth;”;

(x) clause (l) shall be omitted.

5 **3. Amendment of section 4.**— In section 4 of the principal Act, in sub-section (1),—

(i) in clause (f), for the words “Small Scale Industries Association”, the words “Goa State Industries Association” shall be substituted;

10 (ii) in clauses (g), and (h), for the word “Government”, wherever it occurs, the words “State Government” shall be substituted;

(iii) in clause (hh),—

(a) for the word “three”, the word “two” shall be substituted;

15 (b) after the word “pharma”, the words “or any other industrial sector” shall be inserted;

(c) for the word “Government”, the words “State Government” shall be substituted;

20 (iv) after clause(i), the following clause shall be inserted, namely:—

“(j) Chairperson, Confederation of Indian Industry - Goa State Council;”

25 (v) the following proviso shall be inserted, namely:—

“Provided that the Corporation shall have at least one woman director.”.

30 **4. Substitution of section 7.**— For section 7 of the principal Act, the following section shall be substituted, namely:—

“ 7. Meetings of the Corporation.— (1) The Board of Directors shall meet at such times and places, and shall, subject to the other provisions of this section, observe such rules of procedure in regard to the transaction of its business as may be prescribed. 5

(2) There shall be atleast four meetings of the Board of Directors in every financial year and that not more than one hundred and twenty days shall intervene between two consecutive meetings of the Board of Directors. 10

(3) A meeting of the Board of Directors shall be called by giving not less than seven days' notice in writing to every director at his address registered with the Corporation or by electronic means: 15

Provided that a meeting of the Board of Directors may be called at shorter notice to transact urgent business subject to the condition that the Chairman of the Corporation, shall be present at the meeting: 20

Provided further that in case of absence of the Chairman from such a meeting of the Board, decisions taken at such a meeting shall be circulated to all the directors and shall be final only on ratification thereof by the Chairman. 25

(4) In the absence of the Chairman, the directors present from amongst the Board of Directors shall choose the presiding officer to preside over the meeting of the Board of Directors. 30

(5) The quorum for a meeting of the Board of Directors shall be as may be decided by the 35

Corporation from time to time but shall not be less than four directors.

5 (6) All questions which come up before any meeting shall be decided by a majority vote of the members present and voting, and in the event of an equality of votes, the person presiding, shall have a second or casting vote."

10 **5. Insertion of new section 7A.**— After section 7 of the principal Act, the following section shall be inserted, namely:—

15 "7A. Conflict of Interest.— (1) A director of the Corporation, who is, or whose relatives are, directly or indirectly, concerned or interested in any contract, or proposal entered into or proposed to be entered into by or on behalf of the Corporation, shall at the earliest possible opportunity, disclose the nature and extent of his interest (whether pecuniary or otherwise) to the Board of Directors, in writing.

20 Explanation:

25 (i) Without prejudice to the generality of the foregoing clause, the phrase "concerned or interested" includes a director or his relatives) having shareholding or other ownership interest, having given or received a loan to, or being a promoter, director, manager, chief executive officer of any company, body corporate, partnership firm, limited liability partnership, association of persons, body of individuals or any artificial juridical person having any contract or proposal entered into or proposed to be entered into with the Corporation.

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(ii) "relative" means the parents, spouse, children, sibling of a director, spouse of the director's sibling and children of the director's sibling.

(2) Upon disclosure by a director of any interest in accordance with sub-section (1) above, the interested director shall recuse himself from any discussions and voting relating to such matters, unless otherwise decided by the other directors.

(3) A contract entered into by the Corporation where a disclosure under sub-section (1) above ought to have been made, but was not made, shall be voidable at the option of the Corporation."

**6. Amendment of section 8.**— In section 8 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (c), the expression "or from all meetings of the Corporation for three consecutive months" shall be omitted;

(b) for clause (d), the following clause shall be substituted, namely:—

"is convicted of an offence involving moral turpitude,"

c) after clause (d), the following expression shall be inserted, namely:—

"he shall cease to be a director of the Corporation.";

(ii) in sub-section (2), after clause (d), the following clause shall be inserted, namely:—

“(e) has failed to disclose any conflict of interest in accordance with section 7A.”.

5 **7. Amendment of section 10.**— In section 10 of the principal Act, sub-section (2) shall be omitted.

**8. Amendment of section 13.**— In section 13 of the principal Act, in clause (ii), in sub-clause (d), for the word “Government” the words “State Government” shall be substituted.

10 **9. Amendment of section 14.**— In section 14 of the principal Act,—

(i) in clause (c), the words “and common facilities” shall be omitted;

15 (ii) in clause (d), for the words “industrial undertakings”, the word “enterprise” shall be substituted.

**10. Insertion of new sections 14A to 14D.**— After section 14 of the principal Act, the following sections shall be inserted, namely:—

20 **“14A. Power to lay pipeline infrastructure.**— (1) When any industrial area is taken up for development under sub-clause (b) of clause (ii) of section 13, the Corporation, or  
25 any person empowered in this behalf by the State Government by notification in the Official Gazette (hereinafter in this section referred to as “the authorised person”), may for the purposes of: (i) carrying gas, water or electricity from a source of supply to the said industrial  
30 area; or (ii) constructing any sewers or drains necessary for carrying the waste liquids of an industrial process through, any intervening

industrial area, lay down, place, inspect, maintain, alter, remove or repair any pipeline infrastructure in, on, under, over, along or across any land in such industrial areas.

(2) While exercising the power conferred by sub-section (1), the Corporation or the authorised person shall cause as little damage as possible to property of the industrial area. Compensation to all persons who have sustained any damage as a consequence of the exercise of such power as aforesaid shall be paid, in proportion to the damage so caused, by the Corporation or, in the case of the authorised person, by the State Government.

(3) Nothing herein shall authorise or empower the Corporation or the person authorised to lay down or place any pipe line infrastructure, or any other works into, through or against any building or in any land not dedicated to public use without the consent of the person to whom the land has been allotted or occupiers thereof, except that the Corporation or such authorised person may at any time enter upon and lay or place any new pipe line infrastructure in the place of an existing pipe line infrastructure in, on, under, over, along or across any land wherein any such pipe line infrastructure, has been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down:

Provided that, nothing in the aforesaid provision shall be construed to mean that the Corporation or other person is forbidden

from having the said land acquired at any time by the State Government in the normal course.

5 Explanation: For the purposes of this section, "pipeline infrastructure includes a pipe, pipe line, conduit, supply or services lines, posts or other appliances or apparatus.

10 **14B. Powers of entry and inspection.—** (1) Any officer of the Corporation, and/or any person authorised by the Corporation in this behalf, may enter upon or into any premise, with or without assistants or workmen for the purpose of,—

15 (a) making any inspection, survey, measurement, enquiry or taking levels of such premise;

(b) examining construction and ascertaining the course of sewers and drains;

20 (c) digging or boring into the sub-soil;

(d) setting out boundaries and intended lines of work;

(e) marking such levels, boundaries and lines by placing marks and cutting trenches;

25 (f) doing any other thing necessary for the efficient implementation of this Act:

Provided that,—

30 (i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier of the premises;

(ii) notwithstanding the proviso at (i) above, any officer of the Corporation

authorized in this behalf may carry out surprise inspection at any premise without providing any advanced notice to the occupier of the said premise; and

(iii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such premise. 5

**14C. Power to levy service charge.**— Notwithstanding anything contained in any contract or in any law for the time being in force, the Corporation may levy on the owner or occupier of the enterprise development cost, fees or service charges to cover its expenses on construction and maintenance of roads, drainage, water-supply and such other services and amenities as may be provided by it including provision of street lighting, at such rates as may be specified by the Corporation from time to time and such cost, fees or charges may be levied on the plot holders or other persons receiving benefit of the services or amenities. 10 15 20 25

**14D. Environmental Sustainability Measures.**— (1) The Corporation may encourage and promote the development and use of environmentally sustainable practices, materials, technologies, including resource efficiency, energy efficiency, renewable energy, emission reduction, waste management and water conservation in industrial areas and industrial estates. 25 30

(2) For the purpose of sub-section (1) above, the Corporation may do all things that are necessary or convenient to enable it to achieve 35

the objective thereunder, including identifying and introducing guidelines, measures, indicators, monitoring mechanisms, review processes and issuing orders or directions to persons.”.

**11. Amendment of section 15.**— In section 15 of the principal Act, for the words “Officer authorised by the Corporation”, the words “Officer authorised by the Board of Directors” shall be substituted.

**12. Substitution of section 27.**— For section 27 of the principal Act, the following section shall be substituted, namely:—

“27. Acquisition and Disposal of Land.—Whenever any land is required by the Corporation for any purpose in furtherance of the objects of this Act, the Corporation may acquire such land by agreement, or the State Government may, upon an application of the Corporation in that behalf, order proceedings to be taken under the relevant land acquisition law for acquiring the same on behalf of the Corporation as if such lands were needed for a public purpose within the meaning of the relevant land acquisition laws.”

**13. Amendment of Section 28.**— In section 28 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Subject to any directions given by the State Government under this Act, the Corporation may dispose of any land acquired by the State Government and transferred to

it, with or without undertaking or carrying out any development thereon, to such persons in such manner and subject to such terms and conditions, as it considers expedient for securing the purposes of this Act.”; 5

(ii) sub-section (2) shall be omitted.

**14. Amendment of section 29.**— In section 29 of the principal Act, for sub-section (1), the following sub-section (1) shall be substituted, namely:— 10

“(1) For the furtherance of the objects of this Act, the State Government may, by notification in the Official Gazette, upon such conditions as may be agreed upon between the State Government and the Corporation, place at the disposal of the Corporation any lands vested in the State Government.”. 15

**15. Omission of sections 31, 32, 33, 34, 35 and 36.**— In the principal Act, sections 31, 32, 33, 34, 35 and 36 shall be omitted. 20

**16. Amendment of section 37A.**— In section 37A of the principal Act, in sub-section (1),—

(i) for clause (a), the following clause shall be substituted, namely:— 25

“(a) declare an area to be an industrial area;”;

(ii) in clause (c), the proviso shall be omitted.

**17. Substitution of section 37B.**— For section 37B of the principal Act, the following section shall be substituted, namely:— 30

5 "37B. Development of areas.— (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the State Government may, with respect to any area notified under sub-section (1) of Section 37A by notification in the Official Gazette, appoint a Industrial Planning and Development Committee consisting of,—

10 (i) the Managing Director of the Corporation — Chairperson.

(ii) Under Secretary (Revenue) of the Government of Goa — Member;

15 (iii) One member nominated by the Corporation from amongst the Directors of the Corporation having knowledge in the field of engineering, architecture, industry, etc. — Member

20 (iv) An officer not below the rank of Deputy Town Planner to be nominated by the Government — Member Secretary

(v) General Manager (Engineering) of the Goa Industrial Development Corporation — Member,

25 to decide and dispose of all applications for land development, permissions, No Objection Certificate, construction and building under all local or special laws including Goa Town and Country Planning Act 1974 (Goa Act no 21 of 1975) and the  
30 Goa (Regulation of Land Development and Building Construction) Act, 2008 (Goa Act no. 6 of 2008), and rules and regulations framed thereunder, as amended from time

to time (hereinafter in this section, collectively referred to as the "said law")

(2) The Industrial Planning and Development Committee shall discharge all functions of the Chief Town Planner, Town and Country Planning Department in a non-planning area, and functions of the Planning and Development Authority in a planning area, under the said laws in force. 5

(3) Without prejudice to the generality of subsection (2) of section 37B, the Industrial Planning and Development Committee may,— 10

(a) provide approvals and clearances based on proposals submitted in relation to industrial areas and industrial estates in accordance with the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Goa Act no. 6 of 2008), as amended from time to time; 15

(b) advise on sub-division of plots in an industrial area and industrial estate; 20

(c) advise on amalgamation of plots in an industrial area and industrial estate;

(d) advise the Corporation in relation to notices issued in respect to inspection, demolition, eviction, removal of obstruction or other action in an industrial area or industrial estate; and 25

(e) perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed for the proper implementation of this Act. 30

5 (4) The Industrial Planning and Development Committee shall have regard to the provisions of all local laws including any regional plan, outline development plan, comprehensive development plan or other plans prepared under the said laws.

10 (5) All decisions of the Industrial Planning and Development Committee shall be approved by at least three members of the Industrial Planning and Development Committee, compulsorily including the Managing Director. The Corporation may make regulations governing the procedure for conduct of meetings of the Industrial Planning and Development Committee.

15 (6) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of any order of the Industrial Planning and Development Committee made under this section.

20 (7) Notwithstanding anything to the contrary contained in any other law for the time being in force, the Corporation may make regulations to govern the grant of development permissions in an industrial area and/or industrial estate.

25 (8) Any person aggrieved by the decision or order made by the Industrial Planning and Development Committee in discharging the functions of the Planning and Development Authority in accordance with sub-section (2) above, may prefer an appeal to the Goa Town and Country Planning Board. The provisions of section 45 of the said Act, and the rules framed thereunder, shall, mutatis mutandis, apply to such appeal."

**18. Substitution of section 38.**— For section 38 of the principal Act the following section shall be substituted, namely:—

“38. Recovery of sums due to the Corporation as arrears of land revenue.— All sums payable by any person to the Corporation or recoverable by it by or under this Act or any rule or regulation made thereunder or any agreement made pursuant thereto and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable as arrears of land revenue on the application of the Corporation.”

**19. Insertion of new sections 38A to 38E.**—After section 38 of the principal Act, the following sections shall be inserted, namely:—

“38-A. Unauthorised construction or alteration.— (1) Where any person, whether at his own instance or at the instance of any other person, undertakes or carries out construction of or alterations to any building in an industrial area or industrial estate contrary to the terms under which he holds such building or land under this Act or any rules or regulations made thereunder, including the terms of any license, approvals or permissions granted to such person, the Corporation may make a conditional order requiring such person to take any of the following steps as may be specified in the order, namely—

(a) immediately prevent or stop such construction or alteration, if such construction or alteration is ongoing; and/or

- (b) remove such construction or alteration within the period specified in such order, which period shall not be less than one month from the date of service of such order.
- 5 (2) The person against whom an order under sub-section (1) above is made, may, within the time specified in the order, appear and show cause against such order.
- (3) Where such person, within the time  
10 specified in the order:
- (a) does not show cause against the order;  
or
- (b) appears and shows cause against the order, but the Corporation is satisfied that  
15 the order, either as originally made or subject to such modification as it considers necessary, is reasonable and proper, then the order shall be made absolute.
- (4) Where such person, within the time  
20 specified in the order, appears and shows cause against the order, and the Corporation is satisfied with the cause so shown, then no further action shall be taken by the Corporation in the matter.
- (5) Where an order is made absolute under  
25 sub-section (3) above, and the person against whom such order is made, fails to comply with the order within the time specified thereunder, an authorized officer of the Corporation may,  
30 with or without assistants or workmen, enter upon the premises of such person and demolish or caused to be demolished such unauthorised construction or alteration, and the expenses of

such demolition shall be recoverable by the Corporation from such person.

(6) Wherever required by the Corporation, the Corporation may require any police officer to remove such person and all his assistants and workmen from the premises within the time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(7) After a requisition under sub-section (6) has been complied with, the Corporation may depute, by a written order, a police officer or an officer, or employee of the Corporation to watch the place in order to ensure that the erection of the building is not continued.

38-B. Resumption.— (1) Where any person has breached the terms on which land has been allotted to him, the Corporation may, in addition to any other action it may take under this Act, give a notice to such person to show cause as to why no action should be taken by the Corporation for terminating such allotment and resuming any allotted land or part thereof by the Corporation.

(2) If such person fails to show cause as to why no action should be taken by the Corporation, the Corporation may pass an order terminating the allotment of such land and directing the allottee to surrender and hand over vacant possession of the said land to the Corporation within the period stipulated in the notice, which shall not be less than one month from the date of such order.

(3) Upon the expiry of period stipulated in sub-section (2) above, the said land, along with all moveable and immoveable properties, shall be deemed to vest with the Corporation and the Corporation may dispose of such properties in such manner as deems fit, and such person shall have no recourse against the Corporation in this regard. The cost of any disposal shall be recoverable from such person by the Corporation as arrears of land revenue under Land Revenue Code, 1968 (Act No.9 of 1969).

38-C. Fines.— Where any person contravenes any of the provisions of this Act or the rules or regulations made thereunder, or fails to comply with an order of the Corporation made under this Act or the rules or regulations made thereunder, or fails to comply or contravenes the terms of allotment of any land, such person shall be liable to pay the Corporation such fines as may be prescribed. The imposition of such fines shall be in addition to any other rights that the Corporation may exercise under this Act.

38-D. No Compensation.— No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of any order of the Corporation made under this Chapter.

38-E. Unauthorised transfer.— No person allotted any land by the Corporation shall assign or transfer, including by way of sub-lease, the premises or any interest therein to any other person, without the prior approval of the Corporation. Any assignment or transfer in contravention of this provision shall be void."

**20. Amendment of section 39.**— In section 39 of the principal Act.—

(i) in sub-section (1),

(a) clause (a) shall be omitted;

(b) in clause (b), for the expression, “firm, if the document is addressed to the firm” the expression “body corporate, trust, partnership firm, limited liability partnership or association of persons, if the document is addressed to such person” shall be substituted;

(ii) after sub-section(4), the following sub-section shall be inserted, namely:—

“(5) Notwithstanding anything contained in this section, any notice, orders and other documents required by this Act, or any rule or regulation made thereunder to be served upon any person may be served by electronic mail service to the registered email address of the entity and/or a director or designated partner or any person in-charge and responsible for the conduct of business and management of such entity.”.

**21. Amendment of section 40.**— In section 40 of the principal Act, for the words “by beat of drum”, the words “on the Corporation's website” shall be substituted.

**22. Amendment of section 45.**— In section 45 of the principal Act, in sub-section (2), in clause (b), for the word “Government”, the words “State Government” shall be substituted.

**23. Omission of section 46,47,48 and 49.**— In the principal Act sections 46,47,48 and 49 shall be omitted.

**24. Amendment of section 51.**— In section 51 of the principal Act, for sub-section (1), for clause (e), the following clause shall be substituted, namely:—

“(e) a committee to hear appeals against the decision of any officer of the Corporation in respect of any matter under the Act or Regulations.”

**25. Amendment of section 52.**— For section 52 of the principal Act, the following section shall be substituted, namely:—

“52. Protection of action taken in good faith.— No suit, prosecution or other legal proceedings shall lie against the State Government, or any officer of the State Government or any person authorised in this behalf for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules, regulations or orders made thereunder.”

**26. Insertion of new section 53A.**— After section 53 of the principal Act, the following section shall be inserted, namely:—

“53A. Officers of the Corporation may be vested with other powers.— The State Government may, by notification in the Official Gazette, nominate any officer of the Corporation to be a controller or licensing authority under any law for the time being in force relating to the procurement or distribution of any

commodity in respect of the establishments established or to be established in the industrial areas or industrial estates entrusted to or developed by the Corporation and no such nomination shall be called into question merely on the ground that such officer is not an officer of the State Government." 5

**27. Substitution of section 55.**— In section 55 of the principal Act, the following section shall be substituted, namely:— 10

"55. Act to have overriding effect.— (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law for the time being in force. 15

(2) Nothing in this Act, the rules or regulations made thereunder shall be construed as exempting any establishment from the application of the provisions of any law for the time being in force, or any regulatory measures and standards prescribed thereunder, except to the extent provided in this Act." 20

## **STATEMENT OF OBJECTS AND REASONS**

The Bill seeks to provide for amendments to the Goa Industrial Development Act 1965 (Act No. 22 of 1965) to ensure greater transparency, address issues of conflict of interest, improved working of the Corporation and enhance the Ease of Doing Business, while ensuring that there is an organised and sustainable industrialisation in the state of Goa.

## **FINANCIAL MEMORANDUM**

No financial implications are involved in this Bill.

## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

1. Clause 7 of The Goa Industrial Development (Amendment) Bill, 2024 seeks to empower the State Government to make rules for the time and place, procedure in regard to the transaction of its business for the meeting of the Board of Directors.

2. Sub-clause (1) of Clause 14A of The Goa Industrial Development (Amendment) Bill, 2024 seeks to empower the Corporation or any person empowered in this behalf by the State Government to lay down, place, inspect, maintain, alter, remove or repair any pipeline infrastructure in, on, under, over, along or across any land in such industrial areas, by notification for (a) carrying gas, water or electricity from a source of supply to the said industrial area or (b) constructing any sewers or drains necessary for

carrying the waste liquids of an industrial process through, any intervening industrial area.

3. Clause 29 of The Goa Industrial Goa Industrial Development (Amendment) Bill 2024 seeks to empower the State Government, to place at the disposal of the Corporation any lands vested in the State Government upon such conditions as may be agreed upon between the State Government and the Corporation, by notification.

4. The matters in respect of which the aforementioned rules and regulations may be made are matters of procedure and administrative detail, and as such, it is not practicable to provide for them in the proposed Bill itself. The delegation of legislative power is therefore, of a normal character.

Porvorim, Goa  
\_\_\_ July, 2024

**(Shri Mauvin Godinho)**  
Minister for Industry

Assembly Hall,  
Porvorim, Goa  
\_\_\_ July, 2024

**(Namrata Ulman)**  
Secretary to the Legislative  
Assembly

**ANNEXURE**

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**Extract of the existing Sections 2(a), 2(c), 2(e), 2(f), 2(g), 2(h), 2(i), 2(l), 4, 7, 8(1), 8(2), 10(2), 13(ii)(a), 13(ii)(b), 13(ii)(d), 14(b), 14(d), 15, 27, 28, 29(1), 31, 32, 33, 34, 35, 36, 37A, 37B, 38, 39, 40, 45(2), 46, 47, 48, 49, 51(1) (e), 52 & 55 of " The Goa Industrial Development Act, 1965", proposed for amendments.**  
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**CHAPTER I**

**Preliminary**

**2. Definitions.—** In this Act, unless the context otherwise requires,—

(a) "amenity" includes road, supply of water or electricity, street lighting, drainage, sewerage, conservancy and such other convenience as the State Government may, by Notification in the Official Gazette, specify to be an amenity for the purposes of this Act;

(c) "Collector" means the Collector of a District, and includes any Officer specially appointed by the State Government to perform the functions of a Collector under this Act;

(e) "Development" with its grammatical variations, and cognate expressions, means the carrying out of building, engineering, quarrying or other operations, in, on, over or under land, or the making of any material change of any building or land, and includes re-development and "to develop" shall be construed accordingly;

(f) "Engineering operation" include the formation or laying out of means of access to a road or the laying out of means of water supply;

(g) "Industrial area" means any area declared to be an industrial area by the State Government by notification in the Official Gazette, which is to be

developed and where industries are to be accommodated;

(h) "Industrial Estate" means any site selected by the State Government where the Corporation builds factories and other buildings and makes them available for any industries or class of industries;

(i) "Means of access" includes a road, wharf or any means of access, whether private or public, for vehicles or boats or for foot passengers;

(l) The expression "Land" and the expression "Person interested" shall have the meanings respectively assigned to them in section 3 of the Land Acquisition Act, 1894, (1 of 1894);

## CHAPTER II

### Establishment and Constitution of the Corporation

**4. Constitution.**— (1) The Corporation shall consist of the following twelve Directors that is to say:—

(a) Secretary (Industries);

(b) Secretary (Finance) who shall be the Financial Advisor to the Corporation;

(c) Chief Electrical Engineer;

(d) Director of Industries;

(e) President, Goa Chamber of Commerce and Industry;

(f) President, Small Scale Industries Association;

(g) An Architect or Environment Expert, to be nominated by the Government;

(h) A person having shown capacity in industry or commerce, to be nominated by the Government;

(hh) Three persons having expertise in the fields of food processing/agriculture, biotechnology and pharma, to be nominated by the Government";

(i) The Managing Director of the Corporation, who shall be the Chief Executive of the Corporation, shall also be the Ex Officio Secretary to the Corporation;

**7. Meetings of Corporation.**— (1) The Corporation shall meet at such times and places, and shall subject to the provisions of sub-section (2) observe such rules of procedure in regard to the transaction of its business as may be provided by regulation made under this Act.

(2) A director, who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal entered into or proposed to be entered into by or on behalf of the Corporation shall at the earliest, possible opportunity disclose the nature of his interest to the Corporation when any such contract, loan, arrangement or proposal is discussed.

**8. Cessation of Director.**— (1) If a director—

(a) becomes, subject to any of the disqualifications mentioned in section 5, or

(b) tender his resignation in writing to, and such resignation is accepted by, the State Government, or

(c) is absent without the Corporation's permission from three consecutive meetings of the Corporation, or from all meetings of the Corporation for three consecutive months, or

(d) is convicted of an offence involving moral turpitude,— he shall cease to be a director of the Corporation.

(2) The State Government may by order suspend from office for such period as it thinks fit, or remove from office any director of the Corporation, who in its opinion—

(a) has refused to act, or

(b) has become incapable of acting, or

(c) has so abused his position as director as to render his continuance on the Corporation detrimental to the interest thereof or of the general public, or

(d) is otherwise unfit to continue as a director:

Provided that, a director shall not be suspended or removed from unless he has been given reasonable opportunity to show cause against the order.

**10. Temporary absence of directors.—**

2) In the absence of Chairman, the directors present shall choose the Presiding Officer to preside over the meeting.

**CHAPTER III**

**Functions and Powers of the Corporation**

**13. Functions.—** The functions of the Corporation shall be—

(ii) In particular, and without prejudice to the generality of clause (i) to—

(a) establish and manage industrial estates at places selected by the State Government;

(b) develop industrial areas selected by the State Government for the purpose and make them available for undertakings to establish themselves;

(d) Undertake schemes or works either jointly or on agency basis with other corporate bodies or institutions, or with Government in furtherance of the purposes for which the Corporation is established and all matter connected therewith.

**14. General powers of the Corporation.—** Subject to the provisions of this Act, the Corporation shall have power—

(c) to provide or cause to be provided amenities and common facilities in industrial estates and industrial areas and construct and maintain or cause to be maintained works and buildings therefor;

(d) to make available buildings on hire or sale to industrialists or persons intending to start industrial undertakings;

**15. Authentication of orders and documents of Corporation.**— All permissions, orders, decisions, notices and other documents of the Corporation shall be authenticated by the signature of the Managing Director of the Corporation or any other Officer authorised by the Corporation in this behalf.

#### CHAPTER V

**27. Acquisition of land for the Corporation to be a public purpose.**— Any land required by the Corporation for carrying out any of its functions shall be deemed to be needed for a public purpose and may be acquired under the provisions of the Land Acquisition Act, 1894 or any other law for the time being in force.

**28. Disposal of land by the Corporation.**— (1) Subject to any directions given by the State Government under this Act, the Corporation may dispose of—

(a) any land acquired by the State Government and transferred to it, without undertaking or carrying out any development thereon; or

(b) any such land after undertaking or carrying out such development as it thinks fit, to such persons in such manner and subject to such terms and conditions, as it considers expedient for securing the purposes of this Act.

(2) The powers of the Corporation with respect to the disposal of land under sub-section (1) shall be so exercised as to secure so far as practicable, that—

(a) where the Corporation proposes to dispose of by sale any such land without any development

having been undertaken or carried out thereon, the Corporation shall offer the land in the first instance to the person from whom it was acquired, if they desire to purchase it, subject to such requirements as to its development and use as the Corporation may think fit to impose;

(b) persons who are residing or carrying on business or other activities on any such land shall, if they desire to obtain accommodation on land belonging to the Corporation and are willing to comply with any requirements of the Corporation as to its development and use, have as opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.

(3) Nothing in this Act shall be construed as enabling the Corporation without the approval of the State Government to dispose of land by way of gift, mortgage or charge, but subject as aforesaid any reference in this Act to the disposal of land shall be construed as a reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement, right or privilege or otherwise.

**29. Government lands.**— (1) For the furtherance of the objects of this Act, the State Government may, upon such conditions as may be agreed upon between that Government and the Corporation, place at the disposal of the Corporation any lands vested in the Government.

## CHAPTER VI

### Supplementary and Miscellaneous Provisions

**31. Order of demolition of building.**— (1) Where the erection of any building in an industrial estate or industrial area has been commenced, or is being carried

on, or has been completed, or any existing building is altered, in contravention of the terms on which such building or the land on which it stands is held or granted by or under this Act, or any rules made thereunder any officer of the Corporation empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order directing that such erection shall be demolished by the owner thereof within such period not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, the officer may himself cause the erection to be demolished and the expenses of such demolition shall be recoverable by the Corporation from the owner:

Provided that, no such order shall be made unless the owner has been given a reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under sub-section (1) may appeal against that order within thirty days from the date thereof to a Committee of the Corporation set up for the purpose by regulations made in this behalf. Such Committee may after hearing the parties to the appeal either allow or dismiss the appeal or reverse or vary the order or any part of it.

(3) The decision of the Committee on the appeal and subject only to such decision the order made by the officer under sub-section (1) shall be final.

**32. Power to stop building operations.**— (1) Where the erection of any building in an industrial estate or industrial area has been commenced, or is being carried on, has been completed, or any existing building is altered, in contravention of the terms on which such building or the land on which it stands is held or granted under this Act or any rules made thereunder any officer of the Corporation empowered in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order requiring the building

operations in relation to such erection to be discontinued on and from the date of service of the order.

(2) Where such building operations are not discontinued in pursuance of the requisition under sub-section (1), the Corporation or the officer empowered as aforesaid may require any police officer to remove the person by whom the erection of the building has been commenced and all his assistants and workmen from the place of the building within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) After a requisition under sub-section (2) has been complied with, the Corporation or the officer empowered as aforesaid may depute by a written order a police officer or an officer, or employee of the Corporation to watch the place in order to ensure that the erection of the building is not continued.

(4) Any person failing to comply with an order made under sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred rupees for every day during which such non-compliance continues after the service of the order.

(5) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of any order made under this section.

**33. Penalty for construction or use of land and buildings contrary, to terms of holding.—** (1) Any person who whether at his own instance or at the instance of any other person undertakes or carries out construction of or alterations to any building in an industrial estate or industrial area contrary to the terms under which he holds such building or land under this Act or any rules made thereunder shall, on conviction be punished with fine which may extend to one lakh rupees, and in the case of a continuing contravention with a further fine which may extend to five thousand rupees for every day during which such offence

continues after conviction for the first commission of the offence.

(2) Any person who uses any land or building in an industrial estate or industrial area contrary to the terms under which he holds such land or building under this Act or any rules made thereunder or in contravention of the provisions of any regulations made in this behalf shall, on conviction, be punished with fine which may extend to fifty thousand rupees.

**34. Power to lay pipe lines etc.**— (1) Within any area taken up for development under paragraph (b) of clause (ii) of section 13 the Corporation, or any person empowered in this behalf by the State Government by notification in the Official Gazette (hereinafter in this section referred to as "the authorised person"), may for the purposes of (a) carrying gas, water or electricity from a source of supply to the said area or (b) constructing any sewers or drains necessary for carrying off the workings and waste liquids of an industrial process through, any intervening area, lay down, place, maintain, alter, remove or repair any pipes, pipe lines, conduits, supply or services lines, posts or other appliances or apparatus in, on, under, over, along or across any land in such areas.

(2) The Corporation or the authorised person may at any time enter upon any land in any such area and in such event the provisions of section 35 shall mutatis mutandis apply.

(3) While exercising the power conferred by subsection (1), the Corporation or the authorised person shall cause as little damage as possible to property. Full compensation to all persons interested for any damage sustained by them in consequence of the exercise of such power as aforesaid shall be paid, as the case may be, by the Corporation or, in the case of the authorised person, by the State Government.

(4) Nothing herein shall authorise or empower the Corporation or the authorised person to lay down or place any pipe or other works in to, through or against any building or in any land not dedicated to public use without the consent of the owners and occupiers thereof, except that the Corporation or such person may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe has been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down:

Provided that, nothing in the aforesaid provision shall be construed to mean that the Corporation or other person is forbidden from having the said land acquired at any time by the State Government in the normal course.

**35. Powers of entry.**— Any officer of Government, any member of the Corporation, and any person either generally or specially authorised by the Corporation in this behalf may enter into or upon any land or building with or without assistants or workmen for the purpose of—

(a) making any inspection, survey, measurement, valuation or enquiry or taking levels of such land or building;

(b) examining works under construction and ascertaining the course of sewers and drains;

(c) digging or boring into the sub-soil;

(d) setting out boundaries and intended lines of work;

(e) marking such levels, boundaries and lines by placing marks and cutting trenches;

(f) doing any other thing necessary for the efficient administration of this Act: Provided that,—

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier to the owner of the land or building;

(ii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

**36. Officers of the Corporation may be vested with other powers.**— The State Government may, by notification in the Official Gazette, nominate any officer of the Corporation to be a controller or licensing authority under any law for the time being in force relating to the procurement or distribution of any commodity in respect of the industrial undertakings established or to be established in the industrial estates or industrial areas entrusted to or developed by the Corporation and no such nomination shall be called into question merely on the ground that such officer is not an officer of the State Government.

**37A. Declaration as industrial area.**— (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the State Government may, by notification in the Official Gazette—

(a) declare an industrial area which is—

(i) earmarked as industrial estate; and

(ii) having adequate facilities in respect of power, roads, water supply, to be notified area;

(b) appoint the Corporation or any Officer or Committee thereof for the purpose of the assessment

and recovery of any taxes when imposed as per the provisions made thereof;

(c) declare that the provisions of any law relating to local authorities providing for control or erection of buildings, levy and collection of taxes, fees and other dues to the local authority which is in force in that area shall cease to apply and thereupon such provisions shall cease to apply thereof;

Provided that the Municipalities and the Village Panchayats which were receiving house tax from the occupants in the industrial estates under their respective laws, shall be compensated by the Government to the extent of the last financial year's collection of taxes for such period as may be determined by the Government which shall not be less than five years.

**“37B. Development of areas.—** (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, once a notification is issued under sub-section (1) of section 37A declaring an industrial area as a notified area, the State Government may by notification in the Official Gazette, appoint a Committee consisting of—

(i) the Managing Director of the Corporation—  
Chairperson;

(ii) Under Secretary (Revenue) to the Government of Goa— Member;

(iii) One member nominated by the Corporation from amongst the Directors of the Corporation having knowledge in the field of engineering, architecture, industry, etc.— Member;

(iv) an officer not below the rank of Deputy Town Planner to be nominated by the Government—  
Member Secretary;

(v) Chief General Manager (Engineering)/General Manager (Engineering) of the Goa Industrial Development Corporation— Member;

(vi) an officer to be nominated by the Government— Member;

to decide and dispose of all applications for land development, permissions, under all local or special laws including Goa, Daman and Diu Town and Country Planning Act, 1974 and rules framed thereunder (hereinafter in this section referred to as the "said Act")."

(2) the committee shall discharge all the functions of the Chiwf Town Planner, Town and Country Planning Department in a non planning area, and functions of the Planning and Development Authority in a planning area, under the laws in force.

(3) the committee shall have regard to the provisions of all local laws including any regional plan, outline development plan, comprehensive development plan or other plans prepared under the said Act.

(4) Notwithstanding anything to the contrary contained in any other law for the time being in force, permissions for any development in an Industrial area shall be governed by the regulations framed by the Corporation."

"(5) Any person aggrieved by the decision or order made by the Committee, may prefer an appeal to the Goa Town and Country Planning Board. The provisions of section 45 of the said Act, and the rules framed thereunder, shall, mutatis mutandis, apply to such appeal."

Provided that the Municipalities and the Village Panchayats which were receiving house tax from the occupants in the industrial estates under their respective laws, shall be compensated by the Government to the extent of the last financial year's

collection of taxes for such period as may be determined by the Government which shall not be less than five years.

(d) Make other provision as is necessary for the purpose of the enforcement of the provision so provided to that area.

(2) Before the publication of a notification under sub-section (1), the Government shall cause to be published in the Official Gazette and also in at least one newspaper published in a language other than English and circulating in the area to be specified in the notification, and inviting all persons who entertain any objections to the said proposal to submit the same in writing with reasons therefor to the Government within two months from the date of publication of the proclamation in the Official Gazette.

(3) No such notification under sub-section (1) shall be issued by the Government, unless the objections, if any, so submitted under sub-section (2) are in its opinion insufficient or invalid.

**38. Recovery of sums due to the Corporation as arrears of land revenue.**— All sums payable by any person to the Corporation or recoverable by it by or under this Act and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable as arrears of land revenue on the application of the Corporation.

**39. Service of notices, etc.**— (1) All Notices, orders and other documents required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or such rule or regulation be deemed to be duly served—

(a) where the person to be served is a company, the service is effected in accordance with the provisions of section 51 of the Companies Act, 1956 (1 of 1956);

(b) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business identifying it by the name or style under which its business is carried on, and is either—

(i) sent under a certificate of posting or by registered post, or

(ii) left at the said place of business;

(c) where the person to be served is a statutory public body or a corporation or a society or other body, if the document is addressed to the secretary, treasurer or other chief officer of that body, corporation or society at its principal office and is either—

(i) sent under a certificate of posting or by registered post, or

(ii) left at that office;

(d) in any other case, if the document is addressed to the person to be served and— (i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or

(iii) is sent under a certificate of posting or by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed to "the owner" or "the occupier" as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is given or tendered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed on some conspicuous part of the land or building.

(3) Where a document is served on firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the occupier (if any) of the property may be required by notice in writing by the State Government or the Corporation as the case may be, to state the name and address of the owner thereof.

**40. Public notices how to be made known.—** Every public notice given under this Act or any rule or regulation made thereunder shall be in writing over the signature of the officer concerned and shall be widely made known in the locality to be affected thereby affixing copies thereof in conspicuous public places, within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper, or by any two or more of these means, and by any other means that the officer may think fit.

**45. Dissolution of Corporation.—**

(2) From the said date —

(b) all liabilities which are enforceable against the Corporation shall be enforceable against the Government.

**46. Authority for prosecution.—** Unless otherwise expressly provided, no Court shall take cognisance of any offence relating to property belonging to, or vested by or under this Act in the Corporation, punishable under this Act, except on the complaint of, or upon information received from the Corporation or some

person authorised by the Corporation by general or special order in this behalf.

**47. Composition of offences by Corporation.**— (1) The Corporation or any person authorised by the Corporation by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act.

**48. Offence by companies.**— (1) Whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.**— For the purposes of this section—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm, means a partner in the firm.

**49. Penalty for obstruction.**— (1) Any person who obstructs the entry of a person authorised under section 35 or any person with whom the Corporation has entered into a contract in the performance and execution by such person, to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act shall, on conviction by a competent court be punished with fine which may extend to fifty thousand rupees.

(2) If any person removes any mark setup for the purpose of indicating any level, boundary line, or direction necessary to the execution of works authorised under this Act, he shall, on conviction be punished with fine which may extend to fifty thousand rupees.

**51. Power to make regulations.**— (1) The Corporation may, with the previous approval of the State Government, make regulations consistent with this Act and the rules made thereunder to carry out, the purposes of this Act, and without prejudice to the generality of this power such regulations may provide for:—

(e) under section 31, the committee of the Corporation to hear appeals under that section and the procedure to be followed by it;

**52. Protection of action taken in good faith.**— No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

**55. Act to have overriding effect.**— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Goa Municipalities Act, 1968 (Act 7 of 1969) and the Goa Panchayat Raj Act, 1994 (Act No. 14 of 1994).

