

THE GOA BHUMIPUTRA ADHIKARINI BILL, 2021

(BILL NO.49 OF 2021)

A

BILL

to provide for a mechanism to give ownership rights to the self-occupied dwelling units.

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 and commencement. – (1) This Act may be called the Goa Bhumiputra Adhikarini Act, 2021.

(2) it shall extend to the whole of the State of Goa.

(3) It shall come into force at once.

2. Definitions. – (1) In this Act, unless the context otherwise requires, -

(a) “Bhumiputra” means a person who is residing in the State of Goa at least for a period of thirty years before the date of making application under section 5; and in occupation of a dwelling unit and includes his or her spouse, son, daughter in law and unmarried daughter;

(b) “Bhumiputra Adhikarini” means a committee constituted under section 3 of this Act.

(c) “dwelling unit” means a permanent structure having plinth area not exceeding 250 Square Meters which has been constructed or in existence before the first day of April 2019 and assessed for the house tax by the local authority and has water and electricity connection;

(d) “local authority” means Village Panchayat, a Municipal Council or a Municipal Corporation;

(e) “land” means the land on which the dwelling unit is situated;

(f) “market rate” means the minimum rate of land prescribed under the Goa Stamp (Determination of True Value of Property) Rules, 2003;

(g) “prescribed” means prescribed by the rule made under this Act;

3. Constitution of “Bhumiputra Adhikarini”. - The Government may by notification in the official Gazette, constitute a committee consisting of Deputy Collector as its Chairperson and other members namely Official from Town and Country Planning Department, Forest department, Environment Department and Mamlatdar of Respective Taluka to be called “Bhumiputra Adhikarini” to exercise the power conferred on and to perform the functions assigned to it under this Act.

Cont. 2/-

4. Protection of rights of Bhumiputra. – (1) Notwithstanding anything contained in any other state law, decree, order, custom, usage, contract or any instrument having force of law, the Bhumiputra Adhikarini may by an order declare a Bhumiputra to be the owner of the dwelling unit occupied by him upon payment of an amount equivalent to the value of land calculated at the market rate and such other amounts as specified in section 6 to the Government.

(2) where the land is not owned by the Government the amount received under sub-section (1) shall be transferred to the owner of such land;

Provided that, if any question arises as to whom such amount is payable, the same shall be deposited in a Government treasury and paid to such persons as may be decided by the competent court of law.

(3) Bhumiputra shall not be evicted from the dwelling unit occupied by him and the dwelling unit shall not be demolished during the pendency of any proceedings under this Act, save by the direction of the competent court of law.

5. Form of Application etc. - Within a period of six months from the date of commencement of this Act, Bhumiputra may apply to the Bhumiputra Adhikarini in such manner and in such form as prescribed along with such documents as prescribed to prove that the dwelling unit has been constructed or in existence prior to the 1st day of April, 2019.

6. Functions of Bhumiputra Adhikarini. - (1) After receipt of application under section 5, the Bhumiputra Adhikarini shall publish a public notice in such form and inviting interested persons to submit in such manner as prescribed, objections, to the proposal contained in such public notice within a period of thirty days;

Provided that such notice shall also be issued to the owner of land where such land is not owned by the Government.

(2) The objections if any received in respect of the proposal contained in public notice shall be decided by the Bhumiputra Adhikarini.

(3) The Bhumiputra Adhikarini shall consider only such objections which pertain to the ownership or time of the construction of dwelling unit or occupation of such dwelling unit by the Bhumiputra.

(4) after consideration of objections, if any, the Bhumiputra Adhikarini shall pass an order, as deemed fit by it deciding the value of the land under sub-section (1) of section 4 and the charges/fees to be paid by the applicant under various laws including conversion charges, infrastructure tax, except penalty and convey his decision to the applicant, along with the challan for making payment as aforesaid.

(5) After receipt of the amount specified in sub-section 4, the Bhumiputra Adhikarini shall issue an Ownership Sanad to the applicant in such form as prescribed.

(6) Mamlatdar having the jurisdiction shall make an entry in the Record of rights, based on the Ownership Sanad granted by Bhumiputra Adhikarini under sub-section (5) without any further notice or any proceedings.

7. Appeal.— Any person aggrieved by the decision of the Bhumiputra Adhikarini may prefer an appeal before the Administrative Tribunal within a period of 30 days from the date of such decision and the order passed by the Administrative Tribunal shall be final and binding.

8. Power to make rules. - The Government may, by notification in the Official Gazette make rules for carrying out the provision of this Act.

9. Power to remove the difficulties. - If any difficulty arise in giving effect to the provision of this Act, the Government may, by order published in the Official Gazette, not inconsistent with the provision of this Act, as may appear to it to be necessary or expedient, for the purpose of removing the difficulties;

Provide that no such order shall be made after the expiry of the period of two year from the date of commencement of this Act.

10. Protection of action taken in good faith. - No suit, prosecution or any other legal proceedings shall lie against the Government or any officer or employee of the Government or any person authorised by the Government or Bhumiputra Adhikarini or its members for anything which is done, or intended to be done, in a good faith under this Act.

11. Overriding effect. – The provision of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other state law for the time being in force.

12. Bar of Jurisdiction. – No Court shall have jurisdiction to entertain, decide or deal with any question which is to be decided by the Bhumiputra Adhikarini and Administrative Tribunal under this Act.

Statement of Objects and Reasons

The Bill provides for a mechanism to give ownership right to the self-occupied dweller of a small housing unit to enable him to live with dignity and self-respect and exercise his right to life.

Financial Memorandum

Financial implications cannot be ascertained at this stage.

Memorandum Regarding Delegated Legislation

Clause 3 of the Bill provides for appointment of a committee by way of notification in the official gazette. Clause 8 of the Bill seeks to empower the Government to frame rules.

These delegations are of normal character.

Porvorim, Goa.

29th July, 2021.

Smt. Jennifer Monserrate
Minister for Revenue
Government of Goa.

Assembly Hall,

Porvorim, Goa

29th July, 2021

Smt. Namrata Ulman
Secretary
Goa Legislative Assembly.