



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA (REGULATION OF LAND  
DEVELOPMENT AND BUILDING  
CONSTRUCTION) BILL, 2008**

( Bill No. 7 of 2008 )

<sup>As</sup>  
(~~To be~~ introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM, GOA  
MARCH, 2008.**

**THE GOA (REGULATION OF LAND DEVELOPMENT  
AND BUILDING CONSTRUCTION) BILL, 2008**

( Bill No. 7 of 2008)

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BILL

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*to provide for the regulation and control on building construction and land development in the State of Goa and other incidental and ancillary matters connected therewith.*

BE it enacted by the Legislative Assembly of the State of Goa in the Fifty-ninth Year of the Republic of India as follows:—

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1. *Short title, extent and commencement.*—

(1) This Act may be called the Goa (Regulation of Land Development and Building Construction) Act, 2008.

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

(3) It shall be deemed to have come into force with effect from the 2nd day of September, 2007.

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

(a) “building construction” shall have the same meaning assigned to :-

(i) “building operations” in clause (5) of section 2 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975);

(ii) "building" in clause (2) of section 2 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(iii) "to construct a building" in sub-section (1) of section 184 of Goa Municipalities Act, 1968 (Act 7 of 1969); 5

(iv) "building" in clause (8) of section 5 of the city of Panaji Corporation Act, 2002 (Act 1 of 2003);

(b) "Corporation" means the Corporation of the City of Panaji incorporated under section 7 of the City of Panaji Corporation Act, 2002 (Act 1 of 2003) or any other Corporation established under the provisions of any Law enacted by the Legislative Assembly of Goa; 10 15

(c) "engineering operations" includes the formation or the laying out of means of access to a road or the laying out of means of water supply, drainage, sewerage or of electricity cables or lines or of telephone lines; 20

(d) "Government" means the Government of Goa;

(e) "land development" with it's grammatical variations and cognate expressions, means the carrying out of building, engineering, change on the face of land, mining, quarrying or other operations in or on or over or under the land, or the making of any material change in any building or land, or in the use of any building or land, and includes sub-division or amalgamation of land; 25 30

(f) "Municipal Council" means a Municipal Council established under section 8 of the Goa Municipalities Act, 1968 (Act 7 of 1969);

(g) "notification" means a notification published in the Official Gazette; 5

(h) "Official Gazette" means the Official Gazette of the Government;

(i) "Panchayat" means a Panchayat notified by the Government under sub-section (2) of section 3 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994); 10

(j) "Planning and Development Authority" means Planning and Development Authority constituted under section 20 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975); 15

(k) "prescribed" means prescribed by rules made under this Act;

(l) "regulations" means the regulations framed under this Act;

(m) "State" means the State of Goa. 20

3. *Land development and building construction.*— (1) All land development and building construction in the State shall, subject to the provisions of section 9, be in accordance with the provisions of this Act and the rules and regulations made under the provisions of this Act. 25

(2) Any law in force in the State governing land development and building construction, in so far

as it is inconsistent with the provisions of this Act or the rules and regulations made under the provisions of this Act, shall stand repealed.

*Explanation:*—In this section, unless the context otherwise requires, "law" includes any Ordinance, Orders, bye-laws, rules, regulations or notifications.

4. *Power to make regulations and rules.*— (1) The Government may, by notification in the Official Gazette, frame regulations not inconsistent with the provisions of this Act, for carrying out the provisions of this Act by following the procedure specified in sections 5, 6 and 7.

(2) In particular and without prejudice to the generality of the foregoing powers, the Government shall make regulations providing for:—

(a) zoning of the land and it's use;

(b) general requirements for land development;

(c) group housing;

(d) sub-division of land including amalgamation of plots;

(e) preservation and conservation;

(f) procedure for seeking development permission from Corporation, Municipal Council, Panchayat and Planning and Development Authority;

(g) any other aspect relating to planning and development.

(3) The Government may by notification in the Official Gazette, frame rules for carrying out the provisions of this Act.

(4) Every regulations and rules made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Goa.

5. *Public notice of the regulation.*— The power to make regulations under section 4 shall be subject to the condition of previous publication and such publication shall be made in the Official Gazette and in at least three local newspapers having wide circulation inviting objections and suggestions from the public for a period of thirty days.

6. *Steering Committee.*— (1) The Government may, by notification in the Official Gazette, appoint a "Steering Committee" consisting of the Chief Minister, Government of Goa, as it's Chairman, the Minister for Urban Development, Minister for Panchayats, Minister for Town and Country Planning, Chief Secretary, Secretary to the Government of Goa in charge of Urban Development, Secretary to the Government of Goa in charge of Panchayats and Secretary to the Government of Goa in charge of Town and Country Planning, as it's members. The Chief Town Planner of the Town and Country Planning Department shall be it's Member Secretary. The Government may co-opt an expert having vast knowledge in the field of town planning on the said Committee.

(2) The Steering Committee shall appoint a Sub-Committee consisting of the Director of Municipal Administration, Director of Panchayats, the Chairman or member of the Goa Chamber of Commerce and Industry, the Chairman or member of the Goa Chamber of Housing Industry, a representative each of registered local Chapter/Associations of Town Planners, Engineers and Architects to consider objections and suggestions received from the public and to submit a report within a period of two months from the date of its appointment to the Steering Committee or within such further period as the Steering Committee may from time to time extend on request of the Sub-Committee. The Senior Town Planner shall be the Member Secretary of the said Sub-Committee.

(3) The Steering Committee and the Sub-Committee shall meet at such intervals and transact such business as may be prescribed.

(4) The Steering Committee shall, after considering the report of the Sub-Committee, submit its report together with recommendations to the Government within a period of thirty days from the date of receipt of the report of the Sub-Committee.

7. *Regulations.*— The Government shall, after receiving the report and recommendations of the Steering Committee, and after making such modifications as the Government considers necessary, direct the Chief Town Planner to notify the regulations.

8. *Notification and effect.*— On and from the date of the coming into force of the regulations framed under section 7, any land development and building construction in the State shall be in accordance with the provisions of such regulations.

9. *Interim provision, pending finalization of regulations.*— (1) All applications for land development permission or construction licenses for building submitted, before the date of commencement of regulations framed under section 7, shall be considered as per the law applicable before the commencement of this Act.

(2) (a) In respect of areas, which are not declared as planning areas under section 18 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), no objection certificate shall be necessary to be obtained from the Town and Country Planning Department from planning point of view.

(b) Any application for land development or construction of building received by the Panchayat/Municipal Council/Municipal Corporation shall be forwarded by the concerned authority to the respective district level/taluka level office of the Town and Country Planning Department for obtaining no objection certificate from planning point of view.

(3) The Town and Country Planning Department shall consider the applications for issuing of No Objection Certificate if it is satisfied

after such scrutiny of plan and/or site inspection, deemed to be necessary, that the proposed land development and/or construction of building is in conformity with :-

(a) Regional Plan for the State in force and the Outline Development Plans/Zoning Plans in force prior to 16th May, 2007. 5

(b) Planning and Development Authority (Development Plan) Regulations, 2000, published in the Official Gazette, Extraordinary No.3, Series I No.22, dated 28th August, 2003, with exception of regulations governing farm houses: 10

Provided that —

(a) no land development shall be permitted in any areas having gradient of more than 25 %; 15

(b) farm houses shall be permitted only in plots with minimum area of 4,000 square meters and coverage 2.5 % and F.A.R. 5 and height 5.5 meters, following the guidelines issued by the Town and Country Planning Department; 20

(c) the F.A.R in the areas regulated as per Surface Utilization Plans of Regional Plan shall be 80.

10. *Saving provision.*— (1) Any land development permission/construction licence for building, etc, issued under the relevant laws applicable before the commencement of this Act, shall remain valid for all purposes including renewals. 25

(2) Notwithstanding anything contained in subsection (1), such development permission and/or construction licence for building shall not get immunity if such development permission or construction license is otherwise in accordance with this Act and rules and regulations framed thereunder. 5

11. *Repeal and Saving.*— (1) The Goa (Regulation of Land Development and Building Construction) Second Ordinance, 2008 (Ordinance No. 2 of 2008) is hereby repealed. 10

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act. 15

## STATEMENT OF OBJECTS AND REASONS

Presently, number of Acts are in force, in the State of Goa, namely, the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), the Goa Municipalities Act, 1968 (Act 7 of 1969) and the City of Panaji Corporation Act, 2002 (Act 1 of 2003) which inter-alia deals with activities of land development and construction of buildings in the State. Also, the Planning and Development Authority (Development Plan) Regulations, 1989 and Planning and Development Authority (Development Plan) Regulations, 2000 and Municipal Council Building Bye-laws and Regulations 1987 are applicable.

The Municipal Council Building Bye-laws and Regulations, 1987 are basically building bye-laws. The zoning regulations are not covered comprehensively in the said bye-Laws. As such, there was a need to direct the concerned Authorities to follow the Planning and Development Authority (Development Plan) Regulations, 1989 and Planning Development Authority (Development Plan) Regulations, 2000 and the same were made applicable by the Government vide Circular No. 4-5-2-84-UDD-TCP-05-674 dated 25/2/2005.

Similarly, the Outline Development Plan of the area which is presently not in planning area and approved zoning plans for some areas were being followed in the respective areas based on minutes of the meeting held with the Hon'ble Chief Minister dated 5-10-1993.

The operation of the said Government Circular No. 4-5-2-84-UDD-TCP-05-674 dated 25/2/2005 and the minutes dated 5-10-1993 were stayed by the Hon'ble High Court of Bombay in it's interim Order dated 16/5/2007 passed in Writ Petition No. 265 of 2007. Thereafter, on 2/9/2007 the Goa (Regulation of Land Development and Building Construction) Ordinance, 2007 (Ordinance No 5 of 2007) was promulgated by the Governor of Goa, which was re-promulgated by the Governor of Goa vide the Goa (Regulation of Land Development and Building Construction) Second Ordinance, 2008 (Ordinance No. 2 of 2008) on 27/2/2008.

This Bill seeks to empower the Government frame rules and regulations for land development and building construction. The Bill also envisages an interim provision to facilitate the authorities to follow the regulations, bye-laws and rules which are being followed until the new rules and regulations come into force.

The Bill also seeks to replace the Goa (Regulation of Land Development and Building Construction) Second Ordinance, 2008 (Ordinance 2 of 2008).

## **Financial Memorandum**

The provisions of this Bill will be implemented through certain officers in the Municipal Corporations, Municipal Councils, Village Panchayats, Planning and Development Authorities and Town and Country Planning Department without involving any additional machinery and staff. The Bill seeks to empower the Government to frame rules and regulations which does not alter any revenue collection structure.

### **Memorandum Regarding Delegated Legislation**

Clause 4(1) of the Bill empowers the Government to frame regulations.

Clause 4(3) of the Bill empowers the Government to frame rules for implementation of the provisions of the Act.

Clause 6(1) of the Bill empowers the Government to appoint a Steering Committee by notification in the Official Gazette.

These delegations are of normal character.

Porvorim - Goa.  
Dated: 17-3-2008.

( DIGAMBAR KAMAT )  
Hon. Chief Minister

Assembly Hall,  
Porvorim - Goa.  
Dated: 17-3-2008.

(R. KOTHANDARAMAN)  
Secretary to the Legislative  
Assembly of Goa