

Financial Memorandum

Financial implications are involved in the Bill and the same cannot be quantified at this stage. The proposal is concurred by Finance Department.

This proposal is vetted by the Law Department.

Memorandum regarding delegated legislation

Sub-section 3 of section 4 of the bill empowers the government to appoint a person having experience in the field of banking, finance, management, accounts, audit, human resource or specialisation in any other field relating to the objects and activities undertaken by the co-operative societies to assist the Registrar.

Section 20B of the bill empowers the Government to formulate the scheme to protect the interest of the depositors by issuing Notification in the Official Gazette.

Section 66 of the bill empowers the Government to prescribe Rules for conduct of elections of Board of Directors and Office Bearers of Co-operative Housing Societies and Self Help Groups with membership not exceeding 200 and panivatap societies, primary dairy co-operative and resource societies having working capital less than fifty lakhs.

Section 74 of the bill empowers the Government to prescribe fees for renewal of panel of Auditors.

Section 113A of the bill empowers the Government to constitute a Panel of Reconciliator and notify the fees payable to them.

This delegation is of normal character.

Porvorim Goa. (GOVIND GAUDE)
Dated: July, 2021. Minister for Co-operation.

Assembly Hall, Secretary to the Legislative
Porvorim Goa. Assembly of Goa.
Dated: July, 2021.

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, P. S. Sreedharan Pillai, Governor of Goa, hereby recommend the introduction and consideration of the Goa Co-operative Societies (Amendment) Bill, 2021 (Bill No. 45 of 2021) by the Legislative Assembly of Goa.

Place: Raj Bhavan, P. S. SREEDHARAN PILLAI
Dona Paula, Goa Governor of Goa
Date:

LA/LEGN/2021/856

The following bill which was introduced in the Legislative Assembly of the State of Goa on 29th July, 2021 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

THE GOA PANCHAYAT RAJ
(AMENDMENT) BILL, 2021

(BILL No. 46 of 2021)

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BILL

further to amend the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Panchayat Raj (Amendment) Act, 2021.

(2) It shall come into force on such date, as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of Section 2.*— In section 2 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994) (hereinafter referred to as the "principal Act"),-

(i) clauses (1), (1-A) and (1-B) shall be renumbered as (1-A), (1-B) and (1-C) and before clause (1-A) so renumbered, the following clause shall be inserted, namely:-

“(1) “alteration” means a structural change, such as removal of part of a building or a change to the structure of the building such as construction of roof with R.C.C. material;”;

(ii) after clause (17), the following clause shall be inserted, namely:-

“(17-A) “Registered Structural Engineer” means a Structural Engineer as defined in clause (129) of regulation 2 of the Goa Land Development and Building Construction Regulations, 2010. Such Engineer shall be registered with the Town and Country Planning Department under the said Regulations”;

(iii) after clause (20A), the following clause shall be inserted, namely:-

“(20-B) “Single dwelling unit” means an independent housing unit with facility of living, cooking and sanitary requirements;”.

3. *Amendment of section 7.*— In section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) (hereinafter referred to as the “said Act”),-

(i) in sub-section (3), for the word “Director” the expression, “State Election Commission in consultation with the Government,” shall be substituted;

(ii) in first proviso to sub-section (4) and sub-section (5), for the word “Government”, wherever it occurs, the expression, “State Election Commission in consultation with the Government,” shall be substituted.

4. *Amendment of section 66.*— In section 66 of the principal Act, after sub-section (1), the following proviso shall be inserted, namely:-

“Provided that alteration of a building which consists of a single dwelling unit constructed or in existence before the commencement of this Act shall be permitted to the extent of replacement of tiles roofing with the R.C.C. slab roofing upon production of certificate of stability of such building issued by the Registered Structural Engineer.”.

5. *Amendment of section 119.*— In section 119 of the said Act, for the word “Government”, the expression “State Election Commission in consultation with the Government,” shall be substituted.

6. *Amendment of section 153.*— In section 153 of the principal Act, after sub-section (1) the following sub-section shall be inserted, namely:-

“(1A) The tax as aforesaid shall also be levied on buildings constructed without authorization within the limits of Panchayat area:

Provided that nothing in this sub-section shall amount to regularization of unauthorized construction of such building:

Provided further that nothing in this sub-section shall prevent any competent authority from taking any action against such building in accordance with law.”.

Assembly Hall, SHRI MAUVIN GODINHO
Porvorim-Goa. Minister for Panchayats
Date:- 28-07-2021.

STATEMENT OF OBJECT AND REASONS

The Bill seeks to amend section 2 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994) (hereinafter referred to as the “said Act”) by inserting new definitions i.e., “alteration”, “Registered Structural Engineer” and “Single dwelling unit” so as to give more clarity to the provision/sections proposed in the Bill.

The Bill seeks to amend section 7 of the said Act, to hold the election procedure in free and fair manner by handing over the election process including reservation to the Goa State Election Commission as mandated by 73rd Constitutional Amendment.

The Bill seeks to amend section 66 of the said Act, by inserting new proviso after sub-section (1) of section 66 so as to make provision for replacing the tile roof with slab to the single dwelling unit that existed prior to the enactment of the Goa Panchayat Raj Act, 1994, subject to production of certificate of stability issued by Registered Structural Engineer.

The Bill seeks to amend section 119 of the said Act, to hold the election procedure in free and fair manner by handing over the election process including reservation to the Goa State Election Commission as mandated by 73rd Constitutional Amendment.

The Bill seeks to insert new sub-section (1A) after sub-section (1) of section 153 of the said Act so as to levy the taxes on buildings constructed without authorization within the limits of Panchayat area.

The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

There is no financial burden on the State ex-chequer. The revenue by way of levy of taxes will be collected by the local authority and will form part of their own source revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is involved in this Bill.

Assembly Hall, SHRI MAUVIN GODINHO
Porvorim-Goa. Minister for Panchayats
Date:- 28-07-2021.

Assembly Hall, SMT. NAMRATA ULMAN
Porvorim-Goa. Secretary to the
Date:- 28-07-2021. Legislative Assembly of Goa

Annexure

(Annexure to the Bill No. 46 of 2021)
The Goa Panchayat Raj (Amendment) Bill 2021

The Goa Panchayat Raj Act, 1994
(Act No. 14 of 1994)

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

(1) “Backward classes” means such classes of citizens as may be notified by the Government from time to time as belonging to backward class;

(1-A) “Block Development Officer” means a person appointed as Block Development Officer by the Government;

(1-B) “Ballot” means ballot papers prepared in accordance with the provisions of the Act or rules made thereunder and includes “Electronic Voting Machine”;

(2) “building” includes a house, outhouse, stable, privy, urinals, shed, hut, wall and any other structure whether of masonry, bricks, wood, metal or any other material, but does not include a temporary structure erected on ceremonial or festive occasion or a tent;

(3) “Sarpanch” means the Sarpanch of a Panchayat;

(4) “Deputy Sarpanch” means the Deputy Sarpanch of a Panchayat;

(5) “Adhyaksha” means the Adhyaksha of a Zilla Panchayat;

(6) “Upadhyaksha” means the Upadhyaksha of a Zilla Panchayat;

(7) “Collector” means the Collector of the district and includes an Additional Collector;

(8) “Chief Executive Officer” means the Chief Executive Officer of a Zilla Panchayat and includes any other officer appointed by the Government in this behalf;

(8-A) “Deputy Director” means the person appointed as the Deputy Director of Panchayat by the Government;

(9) “Director” means the person appointed as the Director of Panchayats under this Act and includes an Additional Director;

(10) “district” means a revenue district;

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

(11-A) "Gram Sevak" means the person appointed by the Director to perform the duties as Gram Sevak;

(12) "land" includes land which is built upon or covered with water;

(12-A) "Member-Secretary" means a person appointed by the Government as Member-Secretary and includes a Block Development Officer;

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

(14) "Panchayat" means a Village Panchayat established under section 3; "erection or re-erection or enlargement" of any building includes,—

(i) any material alteration or enlargement or in of any building;

(ii) the conversion, by structural alteration into a place of human habitation of any building not originally meant or constructed for human habitation;

(iii) the conversion of one or more places of human habitation into a greater number of such places;

(iv) the conversion of two or more places of human habitation into a lesser number of such places;

(v) such alteration of a building as would effect a change in the drainage or sanitary arrangements or materially affect its security;

(vi) the addition of any rooms, buildings, houses or other structures to any building;

(vii) the conversion, by any structural alteration into a place of religious worship or into a building not originally meant or constructed for such purposes;

(viii) roofing or covering an open space between wall or buildings, in respect of the structure which is formed by roofing or covering such space;

(ix) Conversion into a stall, shop, warehouse or godown or any building not originally constructed for use as such or vice versa;

(x) construction of a door in a wall adjoining any street or land not vested in the owner of the wall and opening in such street or land;

(16) "factory" means besides a factory as defined in the Factories Act, 1948 (Central Act 13 of 1948),

any premises including the precincts thereof wherein any industrial manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(16A) "political party" means a political party as defined under clause (f) of sub-section (1) of section 2 of the Representation of the People Act, 1951 (Central Act 43 of 1951);

(17) "prescribed" means prescribed by rules framed under this Act;

(18) "Schedule" means a Schedule appended to this Act;

(19) "Scheduled Castes and Scheduled Tribes" means such Scheduled Castes and Scheduled Tribes specified in respect of the State of Goa under the Constitution:

(20) "Secretary" means the Secretary of the Panchayat:

(20A) "Taluka Panchayat" means a Taluka Panchayat established under this Act;

(21) "Zilla Panchayat" means a Zilla Panchayat established under this Act.

7. *Constitution of Panchayats.*— (1) A Panchayat shall consist of, such number of members as the Government may, by order, determine, so far as may be in accordance with the following Table:-

Table

For a Panchayat with a population of	No. of members	Classification
(1) 1500 or more but not more than 2000	5	D
(2) more than 2000 but not more than 5000	7	C
(3) more than 5000 but not more than 8000	9	B
(4) more than 8000	11	A

(2) All the members of a Panchayat shall be elected.

(3) The Director shall divide each Panchayat area into wards the number of which shall be equal to the number of members determined in respect of such Panchayat under sub-section (1).

(4) In every Panchayat, seats shall be reserved for the Scheduled Castes and the Scheduled Tribes and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total

number of seats in the Panchayat as the population of the Scheduled Castes and the Scheduled Tribes in the Panchayat area bears to the total population of the Panchayat area:

Provided that Government may by notification reserve any seat reserved for Scheduled Castes and Scheduled Tribes for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes:

Provided further that the Government may, by order published in the Official Gazette, direct any Panchayat to co-opt in such manner as may be prescribed, a person belonging to the Scheduled Caste, where there is a reasonable population of the Scheduled Caste but the reservation may not be made.

(5) The Government may, by notification reserve such number of seats in any Panchayat as may be considered necessary, taking into account the population of the backward classes in the Panchayat area, for persons belonging to the backward classes.

(6) Not less than one third (including the number of seats reserved for women belonging to Scheduled Castes or Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women:

Provided that the seats reserved under sub-section (4), (5) and (6) shall be allotted by rotation to different wards in the panchayat area:

Provided further that nothing contained in this section shall be deemed to prevent a woman or a person belonging to the Scheduled Castes and Scheduled Tribes or Backward Classes from contesting for elections to any non-reserved ward in such Panchayat.

(7) Notwithstanding anything contained in sub-section (1) where two-thirds of the total number of members are required to be elected or have been elected, failure to elect the remaining members shall not affect the constitution of the Panchayat.

(8) The Director shall publish, in the prescribed manner, the names of members elected or deemed to have been duly elected to a Panchayat.

Explanation:—In this section, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures of have been published, but where figures of census are not available, the population shall be ascertained from other relevant authenticated records maintained by the Government.

66. *Regulation of the erection of buildings.*—(1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayat. The permission may be granted on payment of such fees as may be prescribed.

(2) If a Panchayat does not, within thirty days from the date of receipt of application, determine whether such permission should be given or not and communicate its decision to the applicant, the applicant may file an appeal within thirty days from the date of expiry of aforesaid period, to the Deputy Director who shall dispose of the same within thirty days from the date of filings of such appeal. If the Deputy Director fails to dispose of the appeal within thirty days, such permission shall be deemed to have been given and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.

(3) Whenever any building is erected, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission granted, the Panchayat may,—

(a) direct that the building, alteration or addition be stopped; or

(b) by written notice require within a reasonable period to be specified therein, such building alteration or addition to be altered or demolished.

(4) In the event of non-compliance with terms of any notice under clause (b) of sub-section (3) within the period specified in the notice, it shall be lawful for the Panchayat to take such action as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the Panchayat shall be paid by the person or persons upon whom the notice was served and shall be recoverable as if it were a tax imposed under this Act.

(6) Notwithstanding anything contained in the foregoing provisions, the Block Development Officer concerned may, by notice addressed to the person responsible, stop any construction which is being constructed in violation of the provisions of the Act or rules or bye-laws made thereunder and refer the case to the Deputy Director of Panchayat. On receipt of the notice, such person shall forthwith stop the same.

(7) An appeal shall lie to the Director, within a period of thirty days from any order of direction or notice issued under any of the provisions of this section and the decision of the Director on such appeal shall be final.

Explanation:— For the purpose of this section, failure to communicate the decision by the Panchayat under sub-section (2) and failure to demolish the building under sub-sections (3) and (4) shall be deemed to be 'remiss' in the performance of duties by the Panchayat.

119. *Delimitation of territorial constituencies.*— The Government shall, by notification,—

(a) divide the area within the jurisdiction of North Goa Zilla Panchayat and South Goa Zilla Panchayat into 25 and 25 single member territorial constituencies respectively, for the purpose of election, to such Zilla Panchayat.

(b) determine the territorial constituencies or constituencies in which seats are reserved for the Scheduled Castes, Scheduled Tribes, Backward Classes and Women.

153. *Levy of taxes, rates etc. by Panchayat.*— (1) Every Panchayat shall, in such manner and subject to such exemptions as may be prescribed and not exceeding the maximum rate specified in Schedule – III, levy tax upon building and lands which are not subject to agricultural assessment, within the limits of the Panchayat area and shall revise rate of such tax once in every three years by minimum increase of 10% thereon:

Provided that where an owner of the building or land has left the Panchayat area or cannot otherwise be found, the occupier of such building or land shall be liable for the tax leviable on such owner.

(2) A Panchayat may levy water rate for supply of water for drinking and other purposes.

(3) A Panchayat may also levy all or any of the following tax and fees at such rates as the Panchayat shall determine but not exceeding the maximum specified in Schedule III and in such manner and subject to such exemptions as may be prescribed, namely:-

(a) tax on entertainment other than cinematograph shows;

(b) tax on vehicles, other than motor vehicles;

(c) tax on advertisement and hoarding;

(d) pilgrim fee on persons attending the jattras, festivals, etc., where necessary arrangement for

water supply, health and sanitation are made by the Panchayat;

(e) market fee on persons who expose their goods for sale in any market place;

(f) fee on the registration of cattle brought for sale in any market place;

(g) fee on buses and taxies and auto-stands provided adequate facilities are provided for the travellers by the Panchayat;

(h) fees on grazing cattle in the grazing lands;

(i) lighting tax;

(j) drainage tax;

(k) tax on profession, trades, calling and employment;

(l) fees for sale of goods in melas, fairs and festivals;

(m) garbage disposal tax;

(n) octroi other than on petroleum products.

LA/LEGN/2021/857

The following bill which was introduced in the Legislative Assembly of the State of Goa on 29th July, 2021 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Agricultural Tenancy (Amendment) Bill, 2021

(Bill No. 38 of 2021)

A

BILL

further to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Agricultural Tenancy (Amendment) Act, 2021.