

**The Goa Town and Country Planning
(Amendment) Bill, 2018**

(Bill No. 10 of 2018)

A

BILL

*further to amend the Goa, Daman and Diu Town
and Country Planning Act, 1974 (Act 21 of 1975).*

5 BE it enacted by the Legislative Assembly of
Goa in the Sixty-ninth Year of the Republic of India,
as follows:—

10 **1. Short title and commencement.**— (1) This
Act may be called the Goa Town and Country
Planning (Amendment) Act, 2018.

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

15 **2. Amendment of section 2.**— In section 2 of
the Goa, Daman and Diu Town and Country
Planning Act, 1974 (Act 21 of 1975) (hereinafter
referred to as the “principal Act”),—

20 (i) clause (1) shall be re-numbered as clause (1A)
and before clause (1A) as so re-numbered, the
following clause shall be inserted, namely:—

25 “(1) “accommodation reservation” means to
accord a permission by the Government to
owner of land, that is required for public amenity
specified in Development Plan or Regional Plan,
by the Planning and Development Authority,
municipal corporation, municipal council or
village panchayat, as the case may be, to use

the potential of such land in the form of built-up space guided by permissible Floor Area Ratio, in addition to the built-up space required for such amenity, in lieu of payment of compensation for such land and such amenity, transferred in favour of such authority; 5

(ii) after clause (30), the following clauses shall be inserted, namely:—

“(30A) “transferable development right” means a right to transfer the potential of a land required for public purpose by the Planning and Development Authority, municipal corporation, municipal council or a village panchayat, as the case may be, expressed in terms of total permissible built-up area, for utilization by the owner himself or transfer by him to someone else, from the present location to a specified area, as additional built-up space over and above the permissible limit in that area in lieu of the payment of compensation for such land; 10 15 20

(30B) “transferable development right for posterity” means the right to sell, transfer or surrender the development right or potential of land zoned as agricultural land or land in other areas such as heritage site, water body, riverine land, farm land, khazan land, private forest, land under Coastal Regulation Zone and the like to alternate sites as identified in the Development Plan or Regional Plan;”. 25 30

3. Amendment of section 11.— In section 11 of the principal Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

“(aa) proposal for transferable development rights, transferable development right for posterity, accommodation reservation or any other similar technique for promoting planned
5 development;”.

4. Insertion of new section 16B.— After section 16A of the principal Act, the following section shall be inserted, namely:—

“16B. Change of zone in Regional Plan.— (1)
10 If at any time, after the Regional Plan comes into operation, the Chief Town Planner (Planning) receives a written request from any person for change of zone of his land in the Regional Plan, he shall, after carrying out such fresh surveys
15 and examination of the matter as may be considered necessary, submit his report to the Board and the Government, along with plan showing details about change of zone in the Regional Plan.

20 (2) Every request under sub-section (1) shall be made in such form as may be prescribed and accompanied by such fees as notified under sections 100A and 101A.

25 (3) The provisions of sections 12 to 15 shall, mutatis mutandis, apply for change of zone in the Regional Plan submitted under sub-section (1).

30 (4) After the Regional Plan comes into operation, the Chief Town Planner (Planning) may, with the prior approval of the Government, make such changes in such Regional Plan as may be necessary for correcting any typographical or cartographical errors, omissions or details of proposals not fully indicated or changes arising

out of the implementation of the proposals in the Regional Plan:

Provided that all such changes are in the public interest and are notified to the public.”.

5. Amendment of section 30.— In section 30 of the principal Act, in sub-section (1), after clause (d), the following clause shall be inserted, namely:— 5

“(e) indicate and provide for proposal for transferable development right, transferable development right for posterity, accommodation reservation or any other similar technique for promoting planned development.”. 10

6. Amendment of section 32.— In section 32 of the principal Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely:— 15

“(c) indicate and provide proposal for transferable development right, transferable development right for posterity, accommodation reservation or any other similar technique for promoting planned development.”. 20

7. Insertion of new sections 41A to 41C.— After section 41 of the principal Act, the following sections shall be inserted, namely.— 25

“41A. Acquisition of land by according transferable development right.— (1) The Planning and Development Authority, municipal corporation, municipal council or a village panchayat may, with approval of the Government and the consent of the owner, acquire his land for public purpose and the 30

Government may accord him a transferable development right, in lieu of the payment of compensation towards such acquisition, by issuing a Development Right Certificate in such form and in such manner as may be prescribed.

(2) The transferable development right could be utilized as additional built up space in such manner as may be prescribed by the owner who may use it himself or transfer it to any other person in full or in part, to use in areas earmarked for the purpose in Regional Plan or Development Plan.

41B. Acquisition by way of accommodation reservation.— (1) A Planning and Development Authority, municipal corporation, municipal council or a village panchayat may, with the consent of the owner, get transferred his land and amenity in its favour for public purpose as specified in the Regional Plan or Development Plan, by way of accommodation reservation, in such manner as may be prescribed.

(2) The owner of such land shall develop such amenity and hand it over to the said authority free of cost and thereafter he shall himself utilize the developmental right equivalent to full permissible Floor Area Ratio.

41C. Preservation of natural reserves and resources for posterity.— A Planning and Development Authority, municipal corporation, municipal council or a village panchayat may with approval of the Government and the consent of the owner, withdraw or sever the development right or potential in respect of land identified for conservation or preservation in the Regional Plan or Development Plan and the

Government may allot the development right, thus removed, or severed to other area which is more suitable for development by way of transferable development right for posterity in such manner as may be prescribed.” 5

8. Amendment of section 140.— In section 140 of the principal Act, in sub-section (2),—

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

“(dd) form for making request under sub-section (1) of section 16B;” 10

(ii) after clause (e), the following clauses shall be inserted, namely:—

“(ea) the form and manner in which a Development Right Certificate is to be issued and manner in which the development right to be utilized under section 41A; 15

(eb) the manner in which land and amenity to be transferred by way of accommodation reservation under section 41B; 20

(ec) the manner in which development right of a property can be withdrawn or severed and allotted to other area by way of transferable development right for posterity under section 41C; ”.

Statement of Objects and Reasons

The Government had notified Regional Plan for Goa 2021, talukawise, in the year 2010 and 2011. Thereafter, the said Regional Plan was kept on hold in the year 2012 and as such land developments and building constructions in the State were being permitted only in plots which are conforming and identified for development in both the Regional Plans, namely, Regional Plan for Goa 2001 and Regional Plan for Goa 2021. The Government, however, taking into account the requirement of public decided to operationalize the regional Plan for Goa 2021 vide order dated 28/3/2018 with strict parameters and guidelines.

Major infrastructural developments are taking place in the form of highway development and new international airport, etc. Census of India published their population and socio-economic figures of 2011 subsequent to the notification of Regional Plan 2021. The Government, therefore, contemplate to prepare new Regional Plan for a longer perspective year of 2031, as Regional Plan – 2021 itself, is slowly becoming obsolete. New planning tools like “accommodation reservation” and “transferable development right” are in vogue in many States which will help the Government in acquiring the land for public purposes with consent of the owner thereof. The new Regional Plan need to be prepared by using new planning techniques like “transferable development right for posterity” and incentivisation for people who hold their land green and without development and for conservation and preservation of natural and built heritage.

There are mismatches in Regional Plan for Goa 2001 vis-à-vis Regional Plan for Goa 2021 as many of the areas classified under Regional Plan for Goa 2001 are not in settlement zones as per Regional Plan for Goa 2021. There are many cartographical errors and new proposals like micro industrial zones, garbage management sites, disaster management sites are not feasible. Pending the preparation of new Regional Plan for a horizon year 2031, it is required to bring about a provisions in the Act to enable the Government to consider application for change of zone. Hence, Clause 4 of the Bill seeks to achieve this objective.

The Bill seeks to amend section 2 of The Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975) (hereinafter referred to as the “said Act”) so as to introduce new definitions viz: “accommodation reservation”, “transferable development right” and “transferable development right for posterity”.

The Bill further seeks to amend of sections 11, 30 and 32 so as to facilitate the preparation of Regional Plan, Outline Development Plan and Comprehensive Development Plan by using the new techniques contained in the said new definitions.

The Bill further seeks to introduce new sections namely, section 41A for acquisition of land by according a transferable development right and section 41B for transfer of land and amenity by way of “accommodation reservation” and section 41C for providing methods to preserve lands from construction by withdrawing developments right of properties which need to be preserved and

allotting it to another location which is more suitable for development by way of “transferable development rights for posterity”.

The Bill also seeks to amend section 140 of the said Act for empowering the Government to frame rules on certain matters.

Financial Memorandum

“Bill will facilitate Government to acquire land for public purpose, without incurring expenditure on payment of the amount for compensation. The Bill also enables the Government to levy processing charges and fee for change of zone for the applications made for change of zone. The revenue gain cannot be quantified at this moment.”

Memorandum regarding delegated legislation

Clause 1(2) of the Bill empowers the Government to issue notification to appoint a date for bringing the Act into force.

Clause 4 of the Bill empowers the Government to frame rules for prescribing form of application for change of zone.

Clause 7 of the Bill empowers the Government to frame rules for prescribing the manner for acquisition of land by according transferable development right, the form of development right certificate and the manner for utilisation of transferable development right.

Clause 7 of the Bill further empowers the Government to frame rules for prescribing the manner of transfer of land and built up space by way of accommodation reservation.

Clause 7 of the Bill also empowers the Government to frame rules for prescribing the manner in which development right of a property can be withdrawn or severed and allotted to the other area by way of transferable development right for posterity.

These delegations are of normal character.

Porvorim-Goa,
Dated: 23-07-2018

VIJAI SARDESSAI
Hon'ble Minister for
Town and Country Planning

Assembly Hall,
Porvorim-Goa.
Dated: 23-07-2018

N. B. SUBHEDAR,
Secretary to the
Legislative Assembly of Goa

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

In pursuance of Article 207 of the Constitution of India, I, Smt. Mridula Sinha, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Town and Country Planning (Amendment) Bill, 2018.

ANNEXURE

.....
**Extracts of Section 2, 30, 32 and 140 of the Goa
Daman and Diu Town and Country Planning Act,
1974 (Act 21 of 1975)**
.....

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

(1) “agriculture” includes (i) horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodder and trees; (ii) any kind of cultivation of soil; (iii) breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry and bees; (iv) the use of land which is ancillary to the farming of land or any other agricultural purposes;

but does not include the use of any land attached to a building for the purposes of garden to be used along with such building; and the expression “agricultural” shall be construed accordingly;

(2) “amenities” include the utilities such as roads and streets, open spaces, parks, recreational grounds, playgrounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences;

(3) “area of bad lay-out or obsolete development” means the area which is defined by a Development Plan as an area of bad lay-out or obsolete development and includes other lands contiguous or adjacent thereto;

(4) “Board” means the Goa, Daman and Diu Town and Country Planning Board constituted under section 4;

(5) “building operations” includes—

(a) erection or re-erection of a building or any part of it;

(b) roofing or re-roofing of a building or any part of a building or an open space;

(c) any material alteration or enlargement of a building;

(d) any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangements or materially affect its security; and

(e) the construction of a door opening on any street or land not belonging to the owner of a building;

(6) “Chief Town Planner” means the Chief Town Planner appointed under section 3;

(7) “commerce” means the carrying on of any trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of:—

(i) with a view to making profit, hospitals or nursing homes exceeding twentyfive beds; and

(ii) hotels, restaurants and boarding houses not attached to educational institutions; and the expression “commercial” shall be construed accordingly;

(8) “commercial use” includes the use of any land or building or part thereof for purposes of commerce or for storage of goods, or as an office, whether attached to any industry or otherwise;

(9) “court” means a court under the Code of Civil Procedure, 1908 (Central Act V of 1908);

(10) “development” with its grammatical variations and cognate expressions, means the carrying out of building, engineering, mining, quarrying or other operations in, on, over or under, land, 1[] 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 of any land;

(11) “Development Plan” means an Outline Development Plan or a Comprehensive Development Plan prepared under this Act;

(12) “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;

(13) "Government" means the Government of Goa, Daman and Diu, and includes the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(14) "industrial use" includes the use of any land or building or part thereof for purposes of any industry;

(15) "industry" includes the carrying on of any manufacturing process as defined in the Factories Act, 1948, and the expression Central Act "industrial" shall be construed accordingly; 63 of 1948.

(16) "land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(17) "land use" means the major use to which a plot of land is being used on any specified date;

(18) "local authority" means a municipal council or a village panchayat;

(19) "local newspaper" in relation to any planning area, means any newspaper published or circulated within that area;

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

(21) "occupier" includes—

(a) a tenant;

(b) an owner in occupation of, or otherwise using his land or building or part thereof;

(c) a rent-free occupant of any land or building or part thereof;

(d) a licensee in occupation of any land or building or part thereof; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building or part thereof;

(22) "owner" in relation to any property, includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager, or receiver for another person, or for any religious or charitable purpose, the rents or profits of such property;

(23) "Planning and Development Authority" means any Planning and Development

Authority constituted under this Act;

(24) "planning area" means any area declared to be a planning area under this Act;

(25) "plot" means a continuous portion of land held in one ownership;

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

(27) "public place" means any place or building which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not, and whether the entry is regulated by any fees or not;

(28) "reconstituted plot" means a plot which is altered either in ownership or in any other manner by a town planning scheme;

(29) "re-location of population" means in relation to an area of bad lay-out or obsolete development or a slum area, the making available, in that area or elsewhere, of accommodation, for residential purposes or for carrying on business or other activities, together with amenities, to persons living or carrying on business or other activities in the said area who have to be so accommodated so that the said area may be properly planned;

(30) "residence" includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables and out-houses if any, appertaining to such building; and the expression "residential" shall be construed accordingly;

(31) "Union territory" means the Union territory of Goa, Daman and Diu;

(32) words and expressions used in this Act and not defined herein but defined in the Goa, Daman and Diu Municipalities Act, 1968, shall have effect from 1969.

the same meanings as are respectively assigned to them in that Act.

11. Contents of regional plan.— (1) Subject to the provisions of this Act and any rules made thereunder, the regional plan shall indicate the stages by which development may be carried out, the network of transport and communication lines, the proposals for conservation and development of natural resources and such other matters as may have an influence on the development of the concerned area.

(2) In particular, and without prejudice to the generality of the foregoing provisions, a regional plan may provide for all or any of the following matters, namely:—

(a) the broad demarcation of areas for agriculture, forestry, industry, mineral development, urban and rural settlements and other activities;

(b) the reservation of land for recreation, botanical and zoological gardens, natural reserves, animal sanctuaries, dairies and health resorts and for the preservation, conservation and development of areas of natural scenery, forests, wild life, natural resources and landscaping; (c) preservation of objects, features, structures or places of historical, natural, archaeological or scientific interest and educational value; (d) the prevention of erosion of soil, provision for afforestation, or re-afforestation, improvement and re-development of water front areas, rivers and lakes; (e) transport and communications network such as roads, highways, railways, water ways, canals and airports including their future development; (f) rural and urban centres, both existing and new, indicating the extent of their anticipated growth; (g) for irrigation, water

supply and hydro-electric works, flood control and prevention of water pollution; (h) providing for the relocation of population or industry from over-populated and industrially congested areas, and indicating the density of population or the concentration of industry to be allowed in any areas.

30. Contents of Outline Development Plan.— (1) An Outline Development Plan shall—

(a) indicate broadly the manner in which the land in the planning area is proposed to be used;

(b) allocate areas or zones of land for use —

(i) for residential, commercial, industrial and agricultural purposes;

(ii) for public and semi-public open spaces, parks and playgrounds; and

(iii) for such other purposes as the Planning and Development Authority may think fit;

(c) indicate, define and provide—

(i) for existing and proposed national highways, arterial roads, ring roads and major streets; and

(ii) for existing and proposed lines of communications, including railways, tramways, airports and canals;

(d) regulate within such zone, the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces, and the use of buildings, structures and land.

(2) An Outline Development Plan may also indicate, define and provide for—

(a) the existing and proposed public and semi-public buildings; and

(b) all or any of the purposes and matters as may be indicated, defined and provided for in the Comprehensive Development Plan under section 32.

(3) Subject to such rules as may be prescribed regulating the form and contents of an Outline Development Plan any such plan shall include such maps and such descriptive matter as may be necessary to explain and illustrate the proposals contained in that Plan.

¹⁴[(4) After the coming into operation of Outline Development Plan and defining the Zone thereof, the conversion shall be in conformity with the contents of an Outline Development Plan and in accordance with such procedure as may be prescribed;]

32. Contents of Comprehensive Development Plan.—

(1) A Comprehensive Development Plan shall—

(a) indicate, define and provide for all the matters that have to be, or may be, indicated, defined and provided for in the Outline Development Plan with such modifications as the Planning and Development Authority deems fit;

(b) indicate, define and provide for—

(i) areas to be reserved for agriculture, public and semi-public open spaces, parks, playgrounds, gardens, and other recreational uses, green belts and natural reserves;

(ii) comprehensive land allocation of areas or zones for residential, commercial, industrial, agricultural and other purposes;

(iii) complete road and street pattern and traffic circulation pattern for present and future requirements;

(iv) major road and street improvements;

(v) areas reserved for public buildings and institutions and for new civic development;

(vi) areas for future development and expansion, and areas for new housing;

(vii) amenities, services and utilities;

(viii) such other matters as may be prescribed or as may be directed by the Government or the Board to be indicated, defined, and provided for;

(c) include zoning regulations to regulate within each zone, the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces and the use of buildings, structures and land;

¹⁴ Inserted by the Amendment Act 19 of 1995.

(d) indicate the stages by which the proposals are intended to be carried out, together with the financial implications of each stage.

(2) The Comprehensive Development Plan may—

(a) indicate, define and provide for—

(i) all such matters including planning standards, gross and new density and such guiding principles as the Planning and Development Authority may consider expedient to be indicated, defined and provided for in the Development Plan;

(ii) detailed development of specific areas for housing, shopping centres, industrial areas, civic centres, educational and cultural institutions;

(iii) control of architectural features, elevation and frontage of buildings and structures;

(iv) a five year development programme within the stages indicated in clause (d) of sub-section (1);

(b) designate, any land as land subject to acquisition for any public purpose, and in particular, but without prejudice to the generality of this provision for the purposes of:—

(i) the Union or the State Governments, or for any local authority or other authority established by law and public utility concerns;

(ii) dealing satisfactorily with the areas of bad layout or obsolete development, slum areas and for re-location of population;

(iii) providing for open spaces, parks and playgrounds;

(iv) securing the use of the land in the manner specified in the development plan; (v) any of the matters as are referred to in clause (a).

(3) Subject to such rules as may be made for regulating the form and contents of a Comprehensive Development Plan, any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals included in that plan.

140. Power to make rules.— (1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the qualifications in town and country planning for appointment as Chief Town Planner;

(b) the term of office of the members of the Board, the manner of filling casual vacancies among them and the allowances payable to such members for attending the meetings of the Board;

(c) the procedure to be followed in regard to the transaction of business at the meetings of the Board;

(d) the functions which may be performed by the Board and the Planning and Development Authority;

(e) the term of office and conditions of service of the Chairman and the members of the Planning and Development Authority;

(f) the manner in which and the purposes for which a Planning and Development Authority may associate any person under section 24;

(g) the control and restrictions subject to which officers and other staff of the Board, and of the Planning and Development Authority may be appointed;

(h) the form in which land use map and land use register shall be prepared;

(i) the form and contents of a Development Plan;

(j) the time within which modifications, if any, may be directed to be made in any Development Plan under section 34;

(k) the form in which any application for permission for development in respect of, or change of use of, land shall be made, the particulars to be contained therein and the documents and plans which shall accompany such application;

(l) the manner of filing of appeals under this Act, the fees to be paid thereon and the procedure to be followed in such appeals;

(m) the manner in which an acquisition notice may be served under this Act;

(n) the time within which and the manner in which a claim for compensation may be made under section 48 and the procedure to be followed for assessment of compensation;

(o) the matters which may be included in a town planning scheme;

(p) the procedure to be followed in summarily evicting a person under section 80;

(q) the manner in which a draft variation of a final scheme shall be published under sub-section (2) of section 81 and the particulars to be contained in such variation;

(r) the exemption from the levy of Development Charges payable under this Act;

(s) the rates of Development Charges and the manner in which an application for assessment of the Development Charge may be made;

(t) the sum of money that may be kept in a current account by the Planning and Development Authority;

(u) the form in which and the time within which the budget of a Planning and Development Authority shall be prepared and the number of copies that have to be sent to the Board and the Government;

(v) the form of the annual statement of accounts and balance sheet of a Planning and Development Authority;

(w) the manner in which and the conditions subject to which pension and provident funds shall be constituted by a Planning and Development Authority for the benefit of its officers and other employees;

(x) the documents in respect of which certified copies may be granted and the fees payable therefor;

(y) any other matter which has to be, or may be, prescribed.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention, with an additional fine which may extend to twenty-five rupees for every day during which such contravention continues after conviction for the first such contravention.

(4) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of the Union territory while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or the Assembly states that the rule should not be made, the rule shall thereafter have

effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Town and Country Planning
(Amendment) Bill, 2018**

(Bill No. 10 of 2018)

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

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2018**

