

The Goa Information Technology Development (Amendment) Bill, 2017

(Bill No. 20 of 2017)

A

BILL

further to amend the Goa Information Technology Development Act, 2007 (Goa Act 10 of 2007) .

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

1. Short title and commencement. – (1) This Act may be called the Goa Information Technology Development (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Amendment of section 2 - In section 2 of the Goa Information Technology Development Act, 2007 (Goa Act 10 of 2007) (hereinafter referred to as the “principal Act”),

(i) in clause (g), for the expression “Integrated Information Technology Township / Information Technology Parks”, the expression “Integrated Information Technology Township/ Information Technology Parks, Information Technology (IT) Companies, Information Technology Enabled Services (ITES), Startup, Electronic Manufacturing Cluster (EMC), Industry 4.0” shall be substituted;

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

(ga) “Information Technology (IT) Companies” includes Information Technology Software, Information Technology Services;

(gb) “Information Technology Enabled Services (ITES)” includes Call Centres, Medical Transcriptions, Back Office Operations/Business Process Outsourcing (BPO)/Knowledge Process Outsourcing (KPO), Website services and Development, AVGC (Animation, Visual Effects,

Gaming and Comics), Information Technology System Audit Services, Legal Database Processing, Bioinformatics, Information Technology enabled banking, non-banking services including insurance, pension asset management and market related services, Information Technology solution provider/Implementers (including server data banks, application service provider, internet/web based e-commerce service providers and system integrators)/Visual Effects/Digital Entertainment and Information Technology Engineering Services Companies;

(gc) "Startup" means an entity, incorporated or registered in Goa;

- (i) not prior to seven years, and in case of Biotechnology Startups, not prior to ten years;
- (ii) with annual turnover not exceeding Indian Rupee (INR) 25 crores in the preceding financial year; and
- (iii) working towards innovation, development or improvement of products or processes or services, with a high potential of employment generation or wealth creation; and
- (iv) not formed by splitting up, or reconstruction, of a business already in existence;

(gd) "Electronic Manufacturing Cluster (EMC)" means either a Greenfield EMC or a Brownfield EMC notified under the guidelines for notifying Brownfield Clusters under M-SIPS Scheme dated 14.01.2013 [F. No. 36(3)/2012-IPHW] or a Greenfield EMC as notified under clause 6.8(iii) of the guidelines No. 8(50)/2011-IPHW dated 15th April 2013;

(ge) "Industry 4.0" means current trend of automation and data exchange in manufacturing technologies including cyber-physical systems, the Internet of things and cloud computing;

3. Amendment of section 14 - In section 14 of the principal Act,

- (i) in clause (b), after the expression "Integrated IT Township/ IT Parks", and before the expression "and construct and maintain", expression "and for Information Technology (IT) Companies, Information Technology Enabled Services (ITES), Startup,

Electronic Manufacturing Cluster (EMC) and Industry 4.0” shall be inserted;

- (ii) in clause (e) (i) after the expression “Integrated IT Township/ IT Parks”, and before the expression “established or developed by the Corporation”, expression “and for Information Technology (IT) Companies, Information Technology Enabled Services (ITES), Startup, Electronic Manufacturing Cluster (EMC) and Industry 4.0” shall be inserted.

Statement of Objects and Reasons

The Bill seeks to amend the section 2 of the Goa Information Technology Development Act, 2007 (Goa Act 10 of 2007) (hereinafter referred to as the “said Act”) so as to define certain terms in the said Act. The Bill also seeks to amend section 14 of the said Act so as to enable to implement the Information Technology Investment policy with the changing dynamics of the Information Technology and to remove the difficulties in implementation of the said Act.

This Bill seeks to achieve the above objects.

Financial Memorandum

There are financial implications for establishment of Infrastructure for Information Technology in the State, but the same cannot be quantified at this stage.

Memorandum Regarding Delegated Legislation.

No delegated legislation is involved in this Bill.

ANNEXURE

(Bill No 20 of 2017)

Extract of the Goa Information Technology Development Act, 2007

(Act 10 of 2007)

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

(a) “amenity” includes road, supply of water or electricity, street lighting, drainage, sewage, conservancy and such other connivance as the Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act;

(b) “building” means any structure or erection, or a part of a structure or erection, which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

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

(d) “Corporation” means the Goa Information Technology Development Corporation established under section 3;

(e) “development” with its grammatical variations, means the carrying out of building, engineering, quarrying or other operations, in, on, over or under land, or the making of any material change on any building or land, and includes re-development, but does not

include mining operations 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) “Integrated IT Township/IT Parks” means any site selected by the Government where the Corporation shall develop plots, build factories other buildings and make them available for Integrated Information Technology Township/Information Technology Parks;

(h) “means of access” includes a road, wharf or any means of access, whether private or public, for vehicles or boats or for foot passengers;

(i) “premises” means any land or building or part of a building and includes—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building;
and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(j) “prescribed” means prescribed by rules made under this Act;

(k) 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);

(l) “Government” means the Government of Goa.

14. General powers of the Corporation.— Subject to the provisions of this Act, the

Corporation shall have power,—

(a) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for the performance of any of its activities, and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Corporation;

(b) to provide or cause to be provided amenities and common facilities in Integrated IT Township/IT Parks and construct and maintain or cause to be constructed and maintained works and buildings therefor;

(c) to make available buildings on hire or on sale to industrialists or persons intending to start Information Technology industries;

(d) to construct buildings for the housing of the employees;

(e) (i) to allot buildings or parts of buildings, including residential tenements to suitable persons in the Integrated IT Township/IT Parks established or developed by the Corporation;

(ii) to modify or rescind such allotments, including the right and power to evict the allottees concerned on breach of any of the terms or conditions of their allotment;

(f) to constitute advisory committee to advise the Corporation;

(g) to engage suitable consultants or persons having special knowledge or skill to assist the Corporation in the performance of its functions;

(h) subject to the previous permission of the Government, to delegate any of its powers generally or specially to any of its committees or officers, and to permit them to re-delegate specific powers to their subordinates;

(i) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions; and

(j) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions and the carrying into effect the purposes of this Act.
