

The Goa Regularisation of Unauthorized Construction(Amendment) Bill, 2021

(Bill No. 13 of 2021)

A

Bill

*Further to amend the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016).*

*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 Regularisation of Unauthorized Construction (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 24<sup>th</sup> day of June, 2016.

**2. Amendment of Section 3.**— In section 3 of the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016), in sub-section(5),-  
(i) for the expression “areas covered under Eco Sensitive Zone,”, the expression “areas covered under Eco Sensitive Zone-I, areas other than orchard land or cultivable land covered under Eco Sensitive Zone-II” shall be substituted;  
(ii) the following explanation shall be inserted, namely:-

“Explanation:- (i)“Eco Sensitive Zone-I “means Eco Sensitive Zone-I as classified in Regional Plan 2021.”;

(ii) “Eco Sensitive Zone-II “means Eco Sensitive-II as classified in Regional Plan 2021.”;

(iii) the following proviso shall be inserted, namely:-

“Provided that the authorized officer may entertain any application under sub-section (1), if the unauthorized construction falls within the limits of the area covered under Settlement Zone, Institutional Zone or Industrial Zone, Cultivable Zone, ORCHARD,”:-

**Statement of Object and Reasons. —**

The Bill seeks to amend sub-section(5) of Section 3 of the Goa Regularisation of Unauthorized Construction Act, 2016(Goa Act 20 of 2016) so as to facilitate the regularization of unauthorized construction in orchard and cultivable lands under Eco-Sensitive Zone-II.

This Bill seeks to achieve the above object.

**Financial Memorandum. —**

No financial implications are involved in this Bill.

**Memorandum Regarding Delegated Legislation. —**

No delegated legislation is involved in this Bill.

Assembly Hall,  
Porvorim-Goa,  
27<sup>th</sup> January, 2021.

(Jennifer Monserrate)  
Minister for Revenue

Assembly Hall,  
Porvorim-Goa,  
27<sup>th</sup> January, 2021.

(Namrata Ulman)  
Secretary to the Legislative  
Assembly of Goa.

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EXTRACT OF SECTION 3 OF THE GOA REGULARISATION OF  
UNAUTHORIZED CONSTRUCTION ACT, 2016 (GOA ACT 20 OF 2016).  
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**3. Regularisation of unauthorized construction.**— (1) Any person who has carried out unauthorized construction in the property specified herein below before the 28th day of February, 2014, may make an application in Form I hereto together with application fee in the form of Court fee stamp of rupees five, documents specified in Schedule I hereto, sketch of the structure proposed to be regularised alongwith dimensions to the officer as may be authorised by the Government by Notification in the Official Gazette, not below the rank of Junior Scale Officer of Goa Civil Service, for regularisation of such unauthorized construction, within a period of <sup>1</sup>[210 days] from the date of coming into force of this Act:

(a) any residential, commercial or residential cum commercial unauthorised construction in applicants own property or by the applicant who is co-owner, with written consent of all other co-owners thereto, in a property jointly held by the applicant with such co-owners.

(b) any unauthorized construction of a dwelling house by the applicant who is declared/registered as mundkar under the provisions of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act,1975 (Act No. 1 of 1976) or a farm house constructed by the applicant who is tenant or owner of an agricultural land.

(c) any unauthorized construction by the applicant in undivided property jointly held by a unit of family or families, with written consent of all other members of the family/families.

(d) any unauthorized construction carried out by an institution or a person other than an individual in its property.

(e) any unauthorized construction carried out by the applicant, in a property wholly owned by another person with the consent of such person.

<sup>2</sup>[Provided that the person who could not make application within above period may make such application within a period of thirty days from the date of coming into force of the Goa Regularisation of Unauthorized Construction (Amendment) Act, 2018.]

(2) The authorised officer shall issue acknowledgment to the applicant of having received the application under sub-section (1).

(3) The authorised officer shall scrutinize the application received under sub-section (1) and after holding an enquiry, as he deems fit and conducting site inspection thereof and subject to payment by the applicant of charges, taxes, fees and penalty as determined by the authorised officer as per schedule II hereto, pass an order of regularisation of such unauthorized construction.

(4) The built up area of the unauthorized construction which is proposed to be regularised shall not exceed,—

(i) 200 square meters in case such construction is meant for personal residence of the applicant;

(ii) 100 square meters in case such construction is meant for commercial purpose of the applicant;

(iii) 250 square meters in case such construction is meant for residential cum commercial purpose of the applicant;

(iv) 400 square meters in case such construction is meant for institutional purpose.

(5) The authorised officer shall not entertain any application under sub-section (1), if the unauthorized construction falls within the limits of the protected forest, area declared as a wild life sanctuary, area covered under the Coastal regulation zone, No Development Zone, open spaces, public land, areas covered under Eco Sensitive Zone, Khazan land, any construction prohibited under the Goa Land (Prohibition on Construction) Act, 1995, (Goa Act No. 20 of 1995), road set back or right of way or any construction which causes obstruction to any natural water channel or any structure which is constructed by filling water bodies or any construction in or for scrap yard.

(6) The authorised officer shall not entertain an application or proceed with regularisation process of unauthorized construction where any Court, Tribunal or any Statutory Authority has passed any injunction or granted status quo or any prohibitory order, or such unauthorized construction is a subject matter of a dispute before such Court, Tribunal or any Statutory Authority.

(7) Where any unauthorized construction is a subject matter of dispute before any Court, Tribunal or any Statutory Authority, and if authorised officer passes any order of regularization under this Act, such order shall be subject to the decision of such Court or Tribunal or Statutory Authority.

(8) Notwithstanding anything contained in the relevant Act, upon passing of the order of regularisation of any unauthorized construction under this Act, such unauthorized construction shall be deemed to have been regularised under the relevant Act.