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LA/LEGN/2021/859

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.

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The Goa Public Lighting Duty  
Bill, 2021

(Bill No. 48 of 2021)

A

BILL

*to provide for the levy and collection of public lighting duty on the electricity consumers in the State of Goa so as to create new infrastructure for public lighting and to operate and maintain public lighting owned by Electricity Department and other Government Departments in the entire State of Goa and for the matters connected therewith and incidental thereto.*

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

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

(1) This Act may be called the Goa Public Lighting Duty Act, 2021.

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

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

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

(a) “Consumer” means the owner or occupier of the premises which is for the time being connected for supply of energy with the distribution system in the State of Goa;

(b) “Department” means the Electricity Department Goa of the Government;

(c) “duty” means public lighting duty;

(d) “energy” means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of a message;

(e) “Government” means the Government of Goa;

(f) “notification” means a notification published in the Official Gazette of the Government;

(g) “Official Gazette” means the Official Gazette of the Government;

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

(i) “public lighting” means illumination of streets and public places except facade illumination;

(j) “tariff order” means the order issued by the Joint Electricity Regulatory Commission for a particular year;

3. *Duty on units of energy consumed.*— (1) There shall be levied and collected a duty at such rate as may be notified by the Government by notification in the Official Gazette:

Provided that no duty shall be leviable on the units of energy consumed by the Government (save in respect of premises used for residential purposes).

(2) The duty levied under this section shall be in addition to taxes, duties and cess levied under any other law for the time being in force.

4. *Payment of duty.*— (1) Every consumer shall pay the duty to the Government at such time and in such manner as may be prescribed.

(2) Where any person fails or neglects to pay the duty, at the time and in the manner as prescribed, the Department may, without prejudice to its right to recover the amount under section 6, deduct such amount of duty from the amount, if any, deposited by the consumer with the Department and if such amount cannot be realized then, after giving not less than fifteen clear days’ notice in writing to such person, cut off the supply of energy to such person; and the Department may, for that purpose, exercise the powers conferred on a licensee by sub-section (1) of section 56 of the Electricity Act, 2003 (Central Act 36 of 2003), for recovery of duty from such person.

5. *Crediting proceeds of duty.*— The proceeds of the duty collected under section 3 of this Act shall be credited to the Government treasury and shall be utilised by the Department to create infrastructure for, and maintain, public lighting and to settle the bills towards the energy consumed for the public lighting, in the State of Goa.

6. *Recoveries.*— Any sum due on account of duty, if not paid at the time and in the manner prescribed, shall be deemed to be in arrears, and thereupon, interest on such sum shall be payable at such rate as notified in the tariff order till such sum is paid; and the sum together with any interest thereon, shall be recoverable either through a civil court or as arrears of land revenue.

7. *Vesting of existing public lighting infrastructure in the Department.*— On and from the date of commencement of this Act the existing public lighting infrastructure in the State of Goa shall be under the control of the Department and all other Government Departments and Government corporations and urban and rural local bodies, etc. shall hand over its maintenance to the Department within a period of one month from the date of such commencement.

8. *Inspecting Officer.*— (1) Any Officer of the Department not below the rank of an Assistant Engineer as notified by the Government by notification in the Official

Gazette shall be Inspecting Officer for the purposes of this Act.

(2) Every such Inspecting Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

9. *Power to make Rules.*— The Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

10. *Other Laws not affected.*— The provisions of this Act are in addition to and not in derogation of the provisions of any other law for the time being in force.

11. *Power to remove of difficulties.*— (1) If any difficulty arises in giving effect to any provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules made thereunder, as may be necessary or expedient for the purpose of removing the said difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before the State Legislature.

12. *Amendment of certain Acts.*— Save as otherwise provided in this Act, on and from the date of commencement of this Act—

(i) in the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994); in section 153, in sub-section (3), clause (i) shall be omitted;

(ii) in the Goa Municipalities Act, 1968 (Act 7 of 1969), in section 101, in sub-section (2), clause (c) shall be omitted.

#### Statement of Objects and Reason

The Panchayats and Municipality bodies were maintaining the public street lights in their respective Jurisdiction. From 1985 Electricity Department took over the maintenance of streetlights in entire state of

Goa as the local bodies could not maintain and upkeep the streetlights.

As per Electricity Supply Code 2018, local bodies Village Panchayat, Municipalities, etc. have to bear full cost of arranging power supply to Public streetlights and install Electric Network and operate, maintain and replace streetlight fitting and Department may carry out maintenance/replacement of fixtures on payment basis and therefore the entire service is chargeable. Any expenditure incurred by Electricity Department Goa (EDG) on streetlights including extension of network and electricity bills is not allowed by Regulatory Commission to be recovered through tariff.

At present the energy bill and maintenance in Panchayat and Municipality areas are paid by Electricity Department through budget allocation. Most of local bodies are not in position to bear full cost of extension of streetlight and maintenance of public lights through their fund, thereby public suffers at large.

Various Government Departments have installed Public Streetlight as part of their projects through their own fund but no maintenance is undertaken due to lack of funds, non-functioning of the same reflects on Electricity Department, and Public is put to hardship since the streetlights are not functional.

To overcome the above issue and with aim to streamline public streetlights, the bill for 'Goa Public Lighting Duty Act, 2021' has been proposed.

This Bill seeks to achieve the following objectives—

To levy Public Lighting Duty on energy consumed as per the rates notified by the Government for—

i. To erect public infrastructure for public lighting and install streetlights.

ii. To operate and maintain and upkeep all existing streetlights provided to illuminate streets and public places in Municipality and Panchayat areas in entire Goa.

iii. To pay the energy bills of public streetlights in entire state of Goa.

iv. To operate, maintain and upkeep all streetlights and public lights at all places presently maintained by other Government Departments and to erect the infrastructure and streetlights on their request.

Governor of Goa, hereby recommend the introduction and consideration of The Goa Public Lighting Duty Bill, 2021, by the Legislative Assembly of Goa.

P. S. SREEDHARAN PILLAI  
Governor of Goa.



#### Financial Memorandum

By levying Public Lighting Duty as proposed in the bill the Government will earn annual revenue which will be utilised to erect, operate and maintain public lights.

#### Memorandum Regarding Delegated Legislation

Clause 1 (3) of the Bill empowers the Government to issue notification for appointing a date for bringing the Act into force.

Clause 3 of the Bill empowers the Government to issue notification for levy and collection of a duty at such rate as may be notified by the Government.

Clause 8 of the Bill empowers the Government to notify Inspecting Officer.

Clause 9 of the Bill empowers the Government to frame rules to carry out provisions of the Act.

Clause 11 of the Bill empowers the Government to remove difficulties.

Assembly Hall,  
Porvorim, Goa.  
29th July, 2021.

NILESH CABRAL  
Minister for Power.

Assembly Hall,  
Porvorim, Goa.  
29th July, 2021.

(NAMRATA ULMAN)  
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, P. S. Sreedharan Pillai,