

**LEGISLATIVE ASSEMBLY OF THE STATE OF GOA**

**The Goa Town and Country Planning  
(Amendment) Bill, 2022**

( Bill No. 15 of 2022 )

---

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

---

**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM, GOA  
JULY, 2022**

The Goa Town and Country Planning (Amendment) Bill, 2022

(Bill No. 15 of 2022)

A

BILL

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

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

1. **Short title and commencement.**- (1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 2022.  
  
(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 Town and Country Planning Act, 1974 (Act 21 of 1975) (hereinafter referred to as the “principal Act”, —
  - (i) After clause (19), the following clause shall be inserted, namely:-  
“(19A) “local planning area” means an area other than planning area;”.
  - (ii) after clause (30), the following clause shall be inserted, namely: —  
“(31) “Zoning Plan” means a Zoning Plan prepared under this Act.”.
3. **Insertion of new sections 17D and 17E.** — After section 17C of the principal Act, the following sections shall be inserted, namely:-  
  
“17D. Power to direct preparation of Zoning Plan.— (1) The Government may direct the Chief Town Planner (Planning) to prepare a Zoning Plan in respect of the whole or any part or parts of the local planning area.  
  
(2) The Zoning Plan referred under sub-section (1) shall be prepared after consultation with the concerned local authority or authorities and it shall be within the broad framework of regional plan.

(3) The provisions of sections 12, 13, 14 and 15 of this Act shall mutatis mutandis apply for preparation of Zoning Plan.

17E. Contents of Zoning Plan. — (1) The Zoning 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 regional plan with such modifications as the Government 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, public utilities, 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;

(2) Zoning Plan for local planning area may,—

(a) indicate, define and provide for,—

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

(ii) detailed development of specific areas for housing, shopping centres, industrial areas, civic centres, educational and cultural institutions, rain water harvesting, garbage management, cattle pounds and other public utilities;

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

(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 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 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).

(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.

(3) Subject to such rules as may be made for regulating the form and contents of a Zoning 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.”.

4. **Insertion of new section 99A.**--- After section 99 of the principal Act, the following section shall be inserted, namely:---

**“99A. Power to engage consultant or set up a special function agency.**---- The Planning and Development Authority or the Chief Town Planner (Planning) with the prior approval or upon direction of the Government may engage a consultant or set up special function agency for performance of such specific function consistent with the objects of this Act, where it is of the opinion that such function requires highest level of efficiency.”.

5. **Amendment of section 110.** --- In section 110 of the principal Act , for sub-section (3), the following sub-section shall be substituted, namely:-

(3) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building or molests such person after such entry shall be punishable with fine which may extend to ten thousand rupees.”.

**6. Amendment of section 115.** --- In section 115 of the principal Act , for sub-section (4), the following sub-section shall be substituted, namely:

“(4) If any officer having custody of a plan, scheme makes or causes to be made any change in such plan, scheme or in any part, such change not being authorised by or under the provisions of this Act, he shall be liable for disciplinary action.”.

**7. Amendment of section 123.** --- In section 123 of the principal Act, for the expression “with fine which may be extend to two hundred rupees or with imprisonment for a term which may be extend to two months”, the expression “with fine which may extend upto ten thousand rupees” shall be substituted.

### **Statement of Objects and Reasons**

The Bill seeks to provide for preparation of zoning plans for villages and towns which are not falling under planning areas and under jurisdiction of Planning and Development Authorities.

The Bill also seeks to decriminalize certain provisions of the Goa Town and Country Planning Act, 1974 (Goa Act No. 21 of 1975) (hereinafter referred to as the “said Act”) by removing the imprisonment provision for minor offences under section 110,115 and 123, while increasing the fine in case of section 110 and 123 and to impose disciplinary action under section 115 of the said Act.

The Bill also seeks to insert a new section 99A in the said Act so as to enable the Planning and Development Authority and the Government to engage special function agencies /consultants for preparation of plan.

### **Financial Memorandum**

No financial implications are involved in this Bill

**Memorandum Regarding Delegated Legislation**

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

Clause 3 of the Bill empowers Government to frame rules for indicating, defining and providing other matters to be specified in the Zoning Plan.

Porvorim – Goa  
19<sup>th</sup> July, 2022

(Vishwajit P. Rane)  
Hon'ble Minister for TCP

Assembly Hall,  
Porvorim – Goa  
19<sup>th</sup> July, 2022

(Namrata Ulman)  
Secretary to the Legislative  
Assembly of Goa

**ANNEXURE**

**Extracts of Section 2, 110,115 and 123 of the Goa  
Town and Country Planning Act, 1974  
( Act 21 of 1975 )**

---

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

(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;

(1A) “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, 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 twenty-five 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, <sup>1</sup>[ ] or other operations in, on, over or under, land, <sup>2</sup>[ ] 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;

(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 “industrial” shall be construed accordingly; Central Act 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;

(30A) “State” means the State of Goa;”;

(30B) “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;]

(30C) “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;”.

(31) -----

(32) words and expressions used in this Act and not defined herein but defined in the Goa, Municipalities Act, 1968, shall have the same meanings 7 of 1969. as are respectively assigned to them in that Act

**110. Power of entry.—** (1) The Chief Town Planner or Town Planning Officer of any Planning and Development Authority or any person authorised by the Board or any Planning and Development Authority may enter into, or upon, any land or building with or without assistants or workmen for the purpose of —

- (a) making any enquiry, inspection, measurement or survey or taking levels of such land or building; (b) setting out boundaries and intended lines of works;
- (c) marking such levels, boundaries and lines by placing marks and cutting trenches;
- (d) examining works under construction and ascertaining the course of sewers and drains;
- (e) digging or boring into the sub-soil;
- (f) ascertaining whether any land is being or has been developed in contravention of any provision of this Act or rules or regulations there under;
- (g) doing any other act necessary for the efficient administration of this Act: Provided that—

(i) in the case of any building used as a dwelling house or upon any enclosed part or garden attached to such building, no such entry shall be made (unless with the consent of the occupier thereof) without giving such occupier at least twenty-four hours notice in writing of the intention to enter;

(ii) sufficient opportunity shall in every case be given to enable women (if any) to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

(2) The powers of the Chief Town Planner or the Board under sub-section (1) shall extend to the whole of the Union territory, and the powers of any Town Planning Officer or any Planning and Development Authority under sub-section (1) shall extend to the planning area within the Jurisdiction of that Authority and such other area which the Government may have directed to be included in a Development Plan.

(3) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**115. Authentication of plans and schemes and custody thereof.**— (1) Every Regional Plan, Development Plan or town planning scheme which is finally sanctioned by the Government shall be drawn up in duplicate and every such plan or scheme or every page thereof shall be authenticated under the seal and signature of the Secretary to the Government. One such plan or scheme shall be deposited with the member secretary of the Town and Country Planning Board and sealed with his seal and the second shall be deposited with the Planning and Development Authority concerned.

(2) The plan or scheme deposited with the member secretary or the Town and Country Planning Board under seal shall be kept under lock and key and custody of member secretary and shall not be utilised unless it is required for production in any court or any authority duly empowered in this behalf by the Government for verifying any entry made or alleged to be made in any such plan or scheme, and a certified copy of any plan or scheme or any part thereof may be given to any person on payment of a fee thereof as prescribed.

(3) Where a plan or scheme or any part thereof is produced for verification such plan or scheme or part after the relevant entry or entries therein are duly verified (such verification being made in court, or as the case may be in the Planning Board of any officer duly nominated by him in that behalf) shall be resealed with seal of Town and Country Planning Board and then deposited with him in the manner aforesaid.

(4) If any officer or person having custody of a plan, scheme makes or causes to be made any change in such plan, scheme or in any part, such change not being authorised by or under the provisions of this Act, he shall, on conviction, be punished with imprisonment which may extend to six months and shall also be liable to a fine.

**123. Penalty for obstructing contractor or removing mark.**— If any person— (a) obstructs, or molests any person engaged or employed by the Board or any Planning and Development Authority or any person with whom the Board or Planning and Development Authority has entered into a contract, in the performance or execution by such person of his duty, or of anything which he is empowered or required to do under this Act, or of any rule or regulation made there under or under the contract, as the case may be; or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of work authorised under this Act, he shall be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to two months

Assembly Hall,  
Porvorim – Goa  
19<sup>th</sup> July, 2022

Namrata Ulman  
Secretary Legislature