

**The Goa Legislative Diploma No. 2070
dated 15/4/1961 (Amendment) Bill, 2016.**

(Bill No. 16 of 2016)

A

BILL

further to amend the Legislative Diploma No. 2070 dated 15-4-1961, in its application to the State of Goa.

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

1. **Short title and commencement.**- (1) This Act may be called the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2016.

(2) It shall come into force at once.

2. **Insertion of new article 334-B.**- After article 334-A of the Legislative Diploma No. 2070 dated 15-4-1961, the following article shall be inserted, namely:-

“334-B.- (1) Notwithstanding anything contained in articles 334 to 340, the Government may, with the prior consent of the concerned Comunidade, grant land by way of aforamento, on such terms and conditions as it deems fit, to the Government Department or the Government undertaking or the statutory body constituted by Government of India for setting up of premier higher educational institute of national level and of International repute, without auction.”

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to insert new article 334-B in the Legislative Diploma No. 2070 dated 15-4-1961, in its application to the State of Goa so as to enable the Government to grant Comunidade land by way of aforamento to the Government Department, or the Government undertaking on the statutory body constituted by the Government of India for setting up a premier higher educational institute of national level and of international repute, without auction.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

Financial implications would be involved as and when Comunidade land will be taken on lease. However, any expenditure that may be incurred by the Government Department towards payment of lease rent, etc, to the Comunidade cannot be quantified at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is involved in this Bill.

**Porvorim-Goa
16th March, 2016**

**(Adv. Francis D'Souza)
Minister for Revenue**

**Assembly Hall,
Porvorim, Goa.
16th March, 2016**

**(Shri Nilkant Subhedar)
Secretary to the
Legislative Assembly of Goa.**

ANNEXURE

**The Goa Legislative Diploma No. 2070 dated 15-4-1961
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Extract of Article 334-A of the Code of Comunidade

“Article 334-A.— Notwithstanding anything contained in article 334, but subject to article 327, a Comunidade may subject to such guidelines as the Government, may, from time to time, issue, grant on lease not more than 10,000 Sq. Mts of land to educational societies for construction of playground and not more than 400 Sq. Mts of land for construction of houses or buildings, without auction, to any of the following categories or for purposes except that the Co-operative Housing Societies of landless person may be granted land not more than 800 Sq.Mts. :-

- i) Public, Charitable or Religious Institutions;
- ii) For any scheme of providing housing to the economically weaker sections;
- iii) Small scale Industrial purposes;
- iv) Government Departments or local bodies;
- v) Co-operative Housing Societies of landless persons;
- vi) Government servants or employees of the Comunidades; who are landless
- vii) Landless Jonoeiros;
- viii) Landless Freedom Fighters;
- ix) Such other categories or purposes as may be notified by the Government, from time to time.

[landless servicemen and Ex-servicemen of Goan origin of the State of Goa and their widows]

Explanation:- For claiming Goan origin of the State of Goa, a certificate should be produced from the Registrar of Births to the effect that the applicant's father/mother is of Goan origin and born in the State of Goa.

[Sportsmen of Goan origin of the State of Goa, who are landless and who have represented India in an International Tournament or have won a medal (gold, silver or bronze) at National Level and have played the sports in Goa for 10 years.]

Explanation (1)- For claiming Goan Origin of the State of Goa, a certificate should be produced from the Registrar of Births to the effect that the applicant's father/mother is of Goan Origin and born in the State of Goa.

Explanation (2)- For claiming that the person has played the sports on Goa for 10 years or has represented India in an International Tournament or has won a medal at National Level, as the case may, a certificate from the respective Sports Association to that effect duly endorsed by the Sports Authority of Goa, should be produced.

[The landless employee of the High Court of Judicature at Bombay, Goa Bench, Panaji who were employees of the erstwhile Court of the Judicial Commissioner, Panaji]

Provided that every notifications issued under this clause shall be laid as soon as may be, after it is issued, before the Legislative Assembly:

“Provided further that institutions of public utility and associations of professional bodies duly recognized by the Government may also be granted not more than 10,000 Sq. Meters of Comunidade land on lease for construction of houses or buildings, without auction.”

“Provided further that the educational societies, institutions of public utility, social organization and associations professional bodies duly recognized by the Government and have been granted Comunidade land under any other provisions of law or are in actual possessions of the land, shall be deemed to have granted the same under the provisions of this Legislative Diploma, on payment of annual lease rent”.

Provided further that the members of Cooperative Housing Societies and the persons belonging to the categories (vi), (vii) and (viii) above are residing in Goa for preceding 15 years

Provided also that no person or members of the Co-operative Housing Societies, as the case may be whose annual income exceeds Rs. 3,50,000/- or such amount as may be prescribed by the Government shall be eligible for grant of land on lease without auction.”

“Explanation 1.- For the purpose of the Article, the word “landless” means that neither the person nor his or her spouse or minor child owns a plot of land or house in the State of Goa. The word “house” shall also include a flat or apartment.

Explanation 2.- For the purpose of this Article, the annual income of the person shall be construed to mean the annual income of the person and of his or her spouse or minor child”.

“Provided further that the Government may, with the prior consent of the concerned Comunidade, grant on lease, land admeasuring upto 2 lakh sq. mts., to any educational or health institution or any charitable and/or social trust or society or any similar social institution of public utility or engaged in the field of education or health, duly recognised by the Government, for the purpose of any Scheme, without auction:

Provided further that the scheme for which such grant is made on lease shall be scheme which is duly approved by the Government and for which a certificate of “No objection” has been issued by the Government”.