



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Legislative Diploma
No. 2070 dated 15-4-1961
(Amendment) Bill, 2002**

(Bill No. 8 of 2002)

^{AS}
~~To be~~ introduced in the Legislative Assembly of the State of Goa

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM,
JANUARY, 2002**

The Goa Legislative Diploma No. 2070
dated 15-4-1961 (Amendment) Bill, 2002

(Bill No. 8 of 2002)

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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 Fifty-second Year of 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, 2002.

(2) It shall be deemed to have come into force on the 28th September, 2001.

2. *Amendment of Article 372-A.*— In Article 372-A of the Legislative Diploma No. 2070 dated 15-4-1961.—

(i) in clause (1), for the figures and word "90 days", the figures and word "196 days" shall be substituted;

(ii) in clause (2), (a) for the figures and word "90 days" the figures and word "196 days" shall be substituted;

(b) in the proviso, for the words "one year", wherever they occur, the words "one year and six months" shall be substituted.

3. *Repeal and saving.*— (1) The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Third Amendment) Ordinance, 2001 (Ordinance No. 5 of 2001), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the Principal Act as amended by this Act.

Statement of Object and Reasons

In terms of Article 372-A of the Legislative Diploma No. 2070 dated 15-4-1961, an application for regularisation of unauthorised occupation or wrongful possession or encroachment of land vested in a Comunidade and of the residential house shall be made to the Collector of the concerned district within a period of 90 days from the date on which the said Article 372-A came into effect. However, on account of certain administrative difficulties, the rules for the purpose of said Article 372-A could not be finalised and hence the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Third Amendment) Ordinance, 2001 (Ordinance No. 5 of 2001) was promulgated by the Governor of Goa on 28-9-2001 so as to amend the said Article 372-A thereby increasing the period for making application from existing 90 days to 180 days. Further, the Government extended the said time limit by 16 days from 26-12-2001 to 10-1-2002 in public interest. Further, vide said Ordinance, the period of stay of any proceedings initiated or of any order passed under the Code or the period during which no proceeding can be initiated or no order can be passed under the Code, has been increased from existing one year to one year and six months.

This bill seeks to replace the said Ordinance.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated legislation

No delegated legislation is envisaged in this Bill.

Porvorim Goa JOSE PHILIP D'SOUZA
12th January, 2002 Minister for Revenue

Assembly Hall, R. KOTHANDARAMAN
Porvorim - Goa Secretary (Legislature)
12th January, 2002.

ANNEXURE

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**Extract of Article 372-A of the Goa Legisla-
tive Diploma No. 2070 dated 15-4-1961.**
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"Article 372-A. *Regularisation of unauthorised occupation, wrongful possession, etc.*— (1) Notwithstanding anything contained, elsewhere in this Code, or any other law for the time being in force, or in any instrument, judgement, decree or order, or any court or law, any person who is in unauthorised occupation of, or in wrongfull possession of, or who has encroached upon, in or over, any land;—

(a) vested in Comunidade, or

(b) to the use or occupation of which he is not entitled or has ceased to be entitled, by reason of:

(i) any of the provision of this Code, or

(ii) the expiry of the period of lease or termination of lease for breach of any of the conditions annexd to the tenure;

and has constructed, on or before 15-6-2000, a house, for residential purpose on such land, shall, on an application made by him to the Collector of the concerned district, within a period of 90 days from the date on which the Article 372-A, came into effect, in the specified form, accompanied by specified documents, and on payment of specified fees, be entitled for the regularisation of such unauthorised occupation or wrongful possession or encroachment, including of the said residential house, subject however to sub-clause (3) Article 372-A.

(2) From the date on which Article 372-A came into effect till the expiry of the period of 90 days prescribed under sub-clause (1) above, or till the pendency and disposal of the application, if any, made under sub-clause (1) above, as the case may be:

(a) no proceeding shall be initiated and no order shall be passed, under this Code, against a person who is eligible to apply for and whose case falls, under sub-clause (1) above, and

(b) all proceedings already initiated and any order already passed under this code, against a person who is eligible to apply for and whose case falls under sub-clause (1) above, shall remain stayed during such period as prescribed above:

Provided that the period of stay of any proceeding initiated or of any order passed under this Code or the period during which no proceedings can be initiated or no order can be passed under this Code as stated above, shall not extend beyond a period of one year from the date on which Article 372-A came into effect notwithstanding the fact that the said application made under sub-clause (1) above is not disposed off within the said period of one year.

(3) The form of application, fees payable, the procedure to be followed in processing/deciding the application under sub-clause (1) above, the documents required to be furnished alongwith an application under sub-clause (1) above, the area to be regularised, the fine to be impose upon, for regularisation, if any, etc., shall be such as may be specified in the rules under the Code.