



LEGISLATIVE ASSEMBLY OF GOA

**THE GOA LEGISLATIVE DIPLOMA NO. 2070
DATED 15-4-1961 (AMENDMENT)
BILL, 2001**

(Bill No. 35 of 2001)

^{As}
~~(To be~~ introduced in the Legislative Assembly of Goa)

**GOA LEGISLATURE SECRETARIAT
PORVORIM-GOA
MARCH, 2001.**

**THE GOA LEGISLATIVE DIPLOMA NO. 2070
DATED 15-4-1961 (AMENDMENT) BILL, 2001**

(BILL No. 35 of 2001)

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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 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, 2001.

(2) The amended provision of Article 49 shall be deemed to have come into force with effect from the 30th day of November, 2000, and the amended provision of Article 334-A shall come into force at once.

2. *Amendment of Article 49.*— In Article 49 of the Legislative Diploma No. 2070 dated 15-4-1961 (hereinafter referred to as the "principal Act", after first paragraph, the following provisos shall be inserted, namely:—

"Provided that in case of allegations of irregularities concerning the voters' list or any matters relating to the elections, the Government or the Collector or any officer authorised by the Government, in this behalf

shall have powers to postpone the elections or appoint temporary managing committee or direct the Administrator to prepare a fresh voters' list or direct the Administrator or such other officer as may be specified by the Government to conduct the elections;

Provided further that any action by the Government or the Collector or any officer authorised by the Government, taken on or after 30-11-2000 shall be deemed to have been taken in accordance with the above proviso."

3. *Amendment of Article 334-A.*— In Article 334-A of the principal Act,—

(i) after the third proviso, the following two provisos shall be inserted, namely:—

"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".

(ii) in the existing fifth proviso, for the letters and figures "Rs. 1,25,000/-", the letters and figures "Rs. 3,50,000/-" shall be substituted;

Statement of Objects and Reasons

The proposed Bill seeks to amend Article 49 of the Legislative Diploma No. 2070 dated 15-4-1961 so as to empower the Government or the Collector or any officer authorised by the Government to postpone the elections of the Managing Committee of the Comunidade in cases of allegations of irregularities concerning the voters' list or any matters relating to the elections, so as to streamline the process of election and preparation of the Voters' list. The Bill also seeks to amend Article 334-A so as to; (i) increase the income limit as specified in fifth proviso thereof from the existing limit of Rs. 1,25,000/- per annum to Rs. 3,50,000/- per annum, in view of the increase in the emoluments nowadays; and (ii) provide for grant of land admeasuring upto 2 lakh square metres 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 educational or health field, duly recognised by the Government, for the purpose of any scheme, without auction, so as to promote educational or health activities in the State of Goa.

This Bill seeks to achieve the above objects.

Financial Memorandum

No Financial implications are involved in the present Bill.

Memorandum of Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim, Goa.
19 March, 2001.

JOSE PHILIP D'SOUZA
Minister for Revenue

Assembly Hall,
Porvorim-Goa,
19 March, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)

ANNEXURE

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**Extract of Article 49 and Article 334—A of the
Legislative Diploma No. 2070 dated 15-4-1961.**
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Article 49. — In case of irregularities in the election, any component of the Comunidade with right of voting may appeal to the Administrative Tribunal within 5 days, it being allowed the use of ordinary paper for all proceedings.

\$ Only — The Administrative Tribunal shall decide the appeal within 8 days, and in case the election is annulled, the Comunidade shall be convened once again according to formalities contained in Article 47, in order to arrange for the new election in accordance with the judgement of that Tribunal.

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. metres of land to educational societies for construction of playground and not more than 400 sq. metres of land, for constructions 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 Religions 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 Comunidade who are landless;

vii) Landless Jonoeiros;

viii) Landless Freedom Fighters;

ix) The sportsmen of Goan Origin of the State of Goa, who have represented India in an International Tournament or have won a medal (Gold, Silver or Bronze) at National Level and have played the sport 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 in Goa for 10 years or has represented India in an International Level, as the case may be, certificate from the respective sports association to that effect duly endorsed by the Sports Authority of Goa, should be produced.

x) Such others categories or purposes as may be notified by the Government, from time to time.

"Provided that every notification 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 recognised by the Government may also be granted not more than

10,000 sq. metres of Comunidade land on lease for construction of houses or building without auction;

Provided further that the educational societies, institutions of public utility, social organisation and associations of professional bodies duly recognised 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 provision of this Legislative Diploma, on payment of annual lease rent;

Provided further that the members of the Co-operative 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 member of the Co-operative Housing Societies, as the case may be whose annual income exceeds Rs. 1,25,000/- 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 this 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 of 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".