




Legislative Assembly of Goa

The Goa Town and Country Planning (Amendment) Bill, 2001

(Bill no. 37 of 2001)


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

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
MARCH, 2001**

THE GOA TOWN AND COUNTRY
PLANNING (AMENDMENT) BILL, 2001

(BILL No. 37 of 2001)

A

BILL

*further to amend the Goa, Daman and Diu Town
and Country Planning Act, 1974.*

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 Town and Country
Planning (Amendment) Act, 2001.

(2) It shall come into force at once.

2. *Insertion of new section.*— In the Goa,
Daman and Diu Town and Country Planning
Act, 1974 (Act 21 of 1975) (hereinafter referred to
as the 'principal Act'), after section 100, the
following section shall be inserted, namely:-

"100A: *Levy of processing fee/fees for
change of Zone.*— (1) The Government may, by
notification, levy a fee to be charged for
processing of applications filed with the Board,
for change of Zone in notified Regional plan of
Goa, Outline Development Plans, Comprehen-
sive Development Plans and Zoning Plans.

(2) The Government may, by notification, levy
a fee to be charged for change of Zone in

Regional plan of Goa, Outline Development Plans, Comprehensive Development Plans and Zoning Plans from the notified Zone to other Zone".

3. *Insertion of new section.*— After section 101 of the principal Act, the following section shall be inserted, namely:-

"101A. *Rate of processing fee/fees for change of Zone.*— The rate of processing fee or fees for change of Zone leviable under section 100A shall be such as may be notified by the Government."

Statement of Objects and Reasons

(1) The urbanisation trend in Goa due to industrialisation, tourism and investments from outside coupled with the poor realization from agricultural means have caused high pressure on land development for non-agricultural uses.

(2) Many applications are received by the Government/Town and Country Planning Board for change of use of zone from agricultural, orchard, etc. to various non-agricultural uses in the Regional Plan, Outline Development Plans, Zoning Plans, etc. The process involves scrutiny of the applications, site inspections, placing before the Town and Country Planning Board, notification in Gazette and Government approval. For the Government all this procedure involves a lot of expenditure..

The substantial expenditure is not only for processing the applications, like use of government machinery, manpower, notification, stationery, etc. but also for providing manpower for improving the system for such disposals,

(3) On the other hand, for the individual or organization, the change of zone results in substantial benefit in terms of high realization for land as the land value increases manifold when allowed for change from agricultural zone, orchard, etc. to non-agricultural uses or from one non-agricultural use zone to another non-agricultural use zone, etc. In this context, it is rational to impose a levy from the beneficiaries of the process as a fiscal instrument to generate funds.

(4) At present, no charges are levied for such change of zone.

In view of the above, it is suggested to levy a processing fee and fee for change of zone. in order to mobilize a much needed revenue for the Government.

This Bill seeks to achieve the above objects.

Financial Memorandum

The proposal will generate revenue of about Rs. 1 crore per annum.

Memorandum Regarding Delegated Legislation

Proposed section 100A of the Act empowers the Government to, by notification, levy a fee for the purpose specified therein and proposed section 101A of the Act empowers the Government to notify the rate of processing fee or fee for change of zone under section 100A,

These delegations are of normal character.

Porvorim Goa
19th March, 2001

PRAKASH PHADTE
Minister for Town &
Country Planning

Assembly Hall
Porvorim, Goa
19th March, 2001

R. KOTHANDARAMAN
Secretary to the Legislative
Assembly of Goa

ANNEXURE

Extracts of Section 100 & 101 of the Goa, Daman and
Diu Town and Country Planning Act, 1974

100. *Levy of Development Charge.*— (1) Subject to the provisions of this Act and the rules made thereunder, and with the previous sanction of the Government, every Planning & Development Authority shall, by a notification, levy a charge (hereinafter called the Development Charge) on the carrying out of any development or the institution or charge of use of land for which permission is required to be obtained under Chapter VII, in the whole or any part of the Planning area, at the rates specified in section 101:

Provided that different rates may be specified for different parts of the planning area.

(2) The Development Charge shall be leviable on the person who undertakes or carries out such development and institutes or changes any such use.

(3) Notwithstanding anything contained in sub-sections (1) and (2), no Development Charge shall be levied on the development or institution, or change of use of any land vested in, or under the control or possession of, the Central Government, the Government or any local authority.

(4) The Government may by rules provide for exemption from the levy of development charge on the

development, institution or change of use of any land under this section.

101. *Rates of development charge.*— The maximum and minimum development charges and the classification on the basis of which such maximum and minimum charges are fixed shall be such as may be prescribed.

Assembly Hall

R. KOTHANDARAMAN

Porvorim, Goa

Secretary to the Legislative

19th March, 2001

Assembly of Goa