



LEGISLATIVE ASSEMBLY OF GOA

**THE GOA HOUSING BOARD (AMENDMENT)
BILL, 2001.**

(Bill No. 40 of 2001)

(To be introduced in the Legislative Assembly of Goa)

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

The Goa Housing Board (Amendment) Bill, 2001

(Bill No. 40 of 2001)

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BILL

to amend the Goa, Daman and Diu Housing Board Act, 1968 (Act No. 12 of 1968)

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 Housing Board (Amendment) Act, 2001.

(2) It shall come into force at once.

2. *Amendment of long title and preamble:*— In the Goa, Daman and Diu Housing Board Act, 1968 (Act 12 of 1968) (hereinafter referred to as the "principal Act") –

(i) in the long title, the figure and words", Daman and Diu" shall be omitted;

(ii) in the preamble, for the expression "Union Territory of Goa, Daman & Diu", the expression "State of Goa" shall be substituted.

3. *Amendment of section 1* — (i) In section 1 of the principal Act, in sub-section (1), the figure and words", . Daman and Diu" shall be omitted.

(ii) In sub-section (2), for the expression "Union Territory of Goa, Daman and Diu", the expression "State of Goa" shall be substituted.

4. *Amendment of Section 2* — In section 2 of the principal Act, —

(i) In clause (d), the figure and words", Daman and Diu" shall be omitted;

(ii) for clause (k), the following clause shall be substituted, namely:-

(k) "Government" means the Government of Goa;

(iii) for clause (t) the following clause shall be substituted, namely:—

(t) "Secretary" means the Secretary-cum-Managing Director of the Board ".

5. *Amendment of Section 3* — In section 3 of the principal Act. in sub-section (1), the figure and words, ",Daman and Diu" shall be omitted.

6. *Amendment of section 5* — In section 5 of the principal Act for sub-section (1), the following shall be substituted, namely—

"(1) Every member shall hold office during the pleasure of the Government and shall be eligible for re-nomination".

7. *Amendment of section 21* — In section 21 of the principal Act, in sub-section (1),—

(i) for the words "twenty five thousand rupees", the words "three lakh rupees" shall be substituted;

(ii) for first provisio the following shall be substituted, namely,—

"Provided that the Board shall not, without the previous approval of the Government, incur any expenditure exceeding ten lakh of rupees if the funds are linked to any Government Guarantee and one crore of rupees in other cases".

8. *Amendment of sections 25, 105, 107, 111, 114, 117, 121 and 122* — In sections 25, 105, 107, 111, 114, 117, 121 and 122 of the principal Act, for the word "Chairman", wherever it occurs, the word "Secretary" shall be substituted.

Statement of Objects and Reasons

The Goa, Daman and Diu Housing Board Act, 1968 (Act 12 of 1968) was enacted by the Legislative Assembly of the then Union Territory of Goa, Daman and Diu. After Goa attained Statehood on 30-5-1987, a number of changes and developments have taken place requiring amendments to the provisions of the said Act, 1968 vis-a-vis the title of the said Act, etc.

As per the existing provision under section 5 of the Act, the term of office of the members of the Board of Directors of the Housing Board is 3 years and in case the Board is not functioning properly or if the Government desires to remove the Board members for any irregularities committed by them, the Government is not in a position to re-constitute the Board as and when required by it. This provision therefore, requires amendment empowering the Government to re-constitute the Board as and when required.

The Secretary of the Board is re-designated as Secretary-cum-Managing-Director and he is the Chief Executive of the Board. Being the Chief Executive, the Secretary-cum-Managing Director is required to attend to day to day activities of the Board. Accordingly, the relevant provisions in the Act are required to be amended suitably vesting these powers with the Secretary-cum-Managing Director instead of the Chairman.

Porvorim Goa. (MANOHAR T. AZGAONKAR)

19 March, 2001. Minister for Housing

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

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

R. KOTHANDARAMAN
Secretary (Legislature)

ANNEXURE

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**Extract of the Goa, Daman and Diu Housing Board
Act 1968. (Act, No. 12 of 1968)**
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The Goa, Daman and Diu Housing Board Act, 1968

(Act No. 12 of 1968)

An Act to provide for the establishment of a Housing Board in the Union territory of Goa, Daman and Diu and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Nineteenth Year of the Republic of India as follows:

SECTION 1

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa, Daman and Diu Housing Board Act, 1968.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

SECTION 2

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

(a) "adjoining area" means such area as may be specified to be an adjoining area under section 29;

(b) "appointed day" means such date as the Government may, by notification in the Official Gazette, appoint;

(c) "betterment charges" means charges leviable under section 54;

(d) "Board" means the Goa, Daman and Diu Housing Board, established under this Act;

(e) "Board premises" means any premises belonging or vesting in the Board or taking on lease or otherwise by the Board or entrusted to the Board under this Act for management and use for the purposes of this Act;

(f) "building materials" means such commodities or articles as are specified to be building materials for the purpose of this Act by notification by the Government;

(g) "Chairman" means the Chairman of the Board;

(h) "Competent authority" means any person authorised by notification by the Government to perform the functions of the competent authority under section 60;

(i) "co-operative society" means a society registered or deemed to be registered under the law relating to co-operative societies for the time being in force in this territory;

(j) "housing scheme" means a housing scheme framed under this Act;

(k) "Government" means the Administrator of the Union territory of Goa, Daman and Diu appointed under article 239 of the Constitution;

(l) "land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(m) "member" means a member of the Board and includes the Chairman;

(n) "local authority" means the area under the jurisdiction of a municipal council or a nagar panchayat or a panchayat constituted under any law for the time being in force in the territory;

(o) "notification" means a notification published in the Official Gazette;

(p) "premises" means any land or building or part of a building and includes—

(ii) gardens, ground and out-houses, if any, appertaining to such building or part of a building, and

(i) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(q) "prescribed" means prescribed by rules made under this Act;

(r) "regulations" means regulations made under section 129;

(s) "rent" means the amount payable to the Board in respect of the occupation of any Board premises and includes the charges for water and electricity used or consumed in the premises;

(t) "Secretary" means the Secretary of the Board;

(u) "Territory" means the Union territory of Goa, Daman and Diu;

(v) "year" means the financial year.

SECTION 3

CHAPTER II

Establishment of Board

3. *Establishment and incorporation of Board.*— (1) On and from the appointed day, there shall be established a Board to be called the Goa, Daman and Diu Housing Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold and dispose of property both movable and immovable and to contract and do all things necessary for the purposes of this Act.

(3) For the purposes of this Act and the Land Acquisition Act of 1894 the Board shall be deemed to be a local authority.

Explanation:— The purposes of this Act referred to in sub-section (3) include the management and use of lands and buildings belongs to or vesting in the Board and the exercise of its rights over and with respect to such lands and buildings.

SECTION 5

5. *Term of office of Chairman and other members.*— (1) Every members shall hold office for a period of three years from the date of his nomination and shall be eligible for re-nomination.

(2) Any member may, by writing under his hand addressed to the Government, resign his office, but he

shall continue to hold office until his registration is accepted by the Government.

(3) Every member shall be entitled to receive such remuneration or allowances from the funds of the Board as may be prescribed:

Provided that if the Board so desires, he shall be entitled to receive both remuneration and allowances at such rates as may be prescribed:

Provided further that in the case of a member of the Legislative Assembly of Goa, Daman and Diu, he shall not be entitled to any remuneration other than the travelling allowance and daily allowance at rates not exceeding those admissible to him as a member of the Legislative Assembly under the Goa, Daman and Diu Salaries and Allowance of Member of the Legislative Assembly Act, 1964.

SECTION 21

CHAPTER IV

Powers of Board Chairman to incur expenditure on schemes and enter in to contracts

21. Powers of Board and Chairman to incur expenditure.— Subject to budget provision and availability of funds, expenditure may be incurred on any single work or scheme for carrying out any of the purposes of this Act —

(1) by the Chairman, in case such expenditure does not exceed twenty five thousand rupees; and

(2) by the Board, in other cases:

Provided that the Board shall not, without the previous approval of the Government, incur any such expenditure exceeding ten lakhs of rupees:

Provided further that the Chairman shall report the expenditure incurred by him under this section to the Board at its next meeting.

SECTION 25

25. Agreements and security deposits.— (1) Every contract shall be made on behalf of the Board by the Chairman, or any other person empowered by it in this behalf.

(2) The Chairman shall take sufficient security deposit for the due performance of the contract.

(3) Written agreements shall be executed for all contracts, the value of which exceeds five hundred rupees.

SECTION 105

Duty of police officers.— It shall be the duty of every police officer —

(a) to co-operate with the Chairman for carrying into effect and enforcing the provisions of this Act or any rule or regulation made thereunder;

(b) to communicate without delay to the proper officer or servant of the Board any information which he receives of a design to commit or of the commission of any offence against this Act or any rule made thereunder; and

(c) to assist the Chairman or any officer or other employee of the Board reasonably demanding his aid for the lawful exercise of any power vesting in the Chairman or in such officer or other employee under this Act or any rule made thereunder.

SECTION 107

107. *Powers of Chairman as to institution and composition, of legal proceedings.* — The Chairman may, subject to the control of the Board.—

(a) institute, defend or withdraw from legal proceeding under this Act or any rules or regulations made thereunder;

(b) compound any offence against this Act or any rules or regulations made thereunder which, under any law for the time being in force, may lawfully be compounded;

(c) admit, compromise or withdraw any claim made under this Act or any rules or regulations made thereunder; and

(d) obtain such legal advice and assistance as he may think it necessary or expedient to obtain, or as the purposes referred to in the foregoing clauses or for securing the lawful exercise or discharge of any power or any officer or other employee of the Board.

SECTION 111

111. *Power of Chairman to direct removal of unauthorised erection, within street alignment.* — (1) The Chairman, may, by a written notice, require the owner for the time being of the wall or building referred to in section 98 to stop further work on such wall or building and to alter or demolish the same in such manner and within such time as may be specified in the notice.

(2) Where the alteration or demolition directed by any such notice is not carried out as directed therein, the Chairman may cause the wall or building or portion thereof to be altered or demolished, as the case may

be, and he may recover the expenses incurred in so doing from the owner for the time being in such manner as may be prescribed.

SECTION 114

114. *Stamping signature on the notices or bills.*— Every notice or bill, which is required by this Act or by any rule regulation made thereunder to bear the signature of the Chairman or any other member or of any officer or other employee of the Board, shall be deemed to be properly signed if it bears a facsimile of the signature of the chairman or of such other member or of such officer or employee, as the case may be, stamped thereupon.

SECTION 117

117. *Power of entry.*— (1) The Chairman or any person either generally or specially authorized by the Chairman in the behalf may, with or without assistants or workmen, enter into or upon any land, in order.—

(a) to make any inspection, survey, measurement, valuation or inquiry,

(b) to take levels.

(c) to dig or bore into the sub-soil,

(d) to set out boundaries and intended lines of work,

(e) to mark such levels, boundaries and lines by placing marks and trenches, or

(f) to do any other thing,

whenever it is necessary to do so for any of the purposes of this Act or any rule or regulation made or scheme sanctioned thereunder or any scheme which the Board intends to frame thereunder:

Provided that —

(a) no such entry shall be made between sunset and sunrise;

(b) no dwelling house, and no public building or hut which is used as a dwelling place, shall be so entered, except with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours, previous written notice of the intention to make such entry;

(c) sufficient notice shall, in every instance, be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to remove themselves to some part of the premises where their privacy will not be disturbed;

(d) 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 premises entered.

(2) Whenever the Chairman or a person authorized under sub-section (1) enters into or upon any land in pursuance of that sub-section, he shall at the time of such entry, pay or tender payment for all necessary damage to be done as aforesaid; and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Board, whose thereon shall be final.

SECTION 121

121. *Board and Chairman to exercise powers and functions of local authority.*— In any area in respect of which a housing, improvement or building scheme is in force, the Government may, by notification, declare that for the period during which such scheme remains in force and subject to such restrictions and modifications, if any, as may be specified in the notification, the

powers and functions exerciseable by a local authority or its executive authority under the enactment constituting such local authority shall be exercised by the Board or the Chairman, as the case may be.

SECTION 122

122 *Supply of documents and information to Government.*— The Chairman shall, if so directed by the Government, forward to it a copy of all the papers which were laid before the Board for consideration at any meeting and furnish any return, statement, estimate, statistics or other information regarding any matter under the control of the Board, a report of any such matter and a copy of any documents in charge of the Chairman.

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

R. KOTHANDARAMAN
Secretary (Legislature)