



**Legislative Assembly of the State of Goa**

**The Goa Town & Country Planning  
(Amendment) Bill, 2007**

(Bill No. 10 of 2007)

<sup>As</sup>  
~~(To be~~ introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM  
MARCH, 2007**

# THE GOA TOWN AND COUNTRY PLANNING (AMENDMENT) BILL, 2007

(Bill No. 10 of 2007)

A

Bill

*further to amend the Goa Town and Country  
Planning Act, 1974 (Act 21 of 1975).*

5 Be it enacted by the Legislative Assembly of  
Goa in the Fifty-eighth Year of the Republic of  
India as follows:—

1. *Short title and commencement.*— (1) This  
Act may be called the Goa Town and Country  
10 Planning (Amendment) Act, 2007.

(2) It shall be deemed to have come into force  
on the 5<sup>th</sup> day of February, 2007.

2. *Insertion of new section 17C.*— In the Goa  
Town and Country Planning Act, 1974 (Act 21 of  
15 1975), after section 17B, the following section shall  
be inserted, namely:—

“17-C. *WITHDRAWAL OF REVISED  
REGIONAL PLAN.*— (1) Notwithstanding  
anything contained in section 17, if, at any  
20 time after a revised regional plan has been  
notified/published in the Official Gazette  
(hereinafter in this section referred to as the

"revised regional plan"), the Government is of the opinion that such revised regional plan is required to be withdrawn, the Government may direct the Chief Town Planner to withdraw the operation of the revised regional plan from such date, either prospective or retrospective, as the Government deems fit, and in its entirety or in part, as the case may be, and undertake the revision of the regional plan as existing immediately before the revised regional plan (hereinafter in this section referred to as the "existing regional plan"), in its entirety or in part, as the case may be, and thereupon the foregoing provisions of this Act relating to the preparation of the regional plan shall, as far as may be, apply to the revision of a regional plan under this section.

(2) The Chief Town Planner shall, thereafter, withdraw the operation of the revised regional plan from the date as directed by the Government, in entirety or in part, as the case may be, by publication of a notification in the Official Gazette and in two local newspapers.

(3) On and from the date of withdrawal of the revised regional plan by publication of the notification under the provisions of sub-section (2) of this section, all development programmes undertaken by any Department of the Government or by public and private institutions or by any other person shall conform to the provisions of the existing regional plan."

**3. Repeal and Saving.**— (1) The Goa Town and Country Planning (Amendment) Ordinance, 2007 (Ordinance No. 1 of 2007), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing or action was done or taken.

### Statement of Objects and Reasons

The Bill seeks to insert a new section 17-C in the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), so as to empower the Government to direct the Chief Town Planner to withdraw the operation of the revised regional plan from such date, either prospective or retrospective, as the Government deems fit and in its entirety or in part, as the case may be, and undertake the revision of the regional plan as existing immediately before the revised regional plan.

The Bill also seeks to repeal the Goa Town and Country Planning (Amendment) Ordinance, 2007 (Ordinance No. 1 of 2007), promulgated by the Governor of Goa on 5-2-2007.

This Bill seeks to achieve the above objects.

### Financial Memorandum

This provision for withdrawal of Regional Plan - 2011 at any time either prospective or retrospective will have financial implication as it may lead to litigations and payment of compensation for projects licenced or conversion sanads granted or compensation due to any other losses, etc. The financial implications in terms of such compensations or by way of time and cost overruns by private projects and Government projects cannot be ascertained at this stage.

### Memorandum Regarding Delegated Legislation

Clause 2 of the Bill empowers the Chief Town Planner to issue notification to withdraw the operation of the revised regional plan from the date as directed by the Government, in entirety or in part, as the case may be.

These delegations are of normal character.

Panaji, Goa,  
8th March, 2007.

PRATAPSINGH RANE  
Hon. Chief Minister &  
Minister for TCP

Assembly Hall,  
Porvorim, Goa  
8th March, 2007.

T. N. DHRUVA KUMAR  
Secretary to the Legislative  
Assembly of Goa

### Governor's Recommendation

In pursuance of Article 207 of the Constitution of India, I, S.C. Jamir, Governor of Goa, hereby recommended to the Legislative Assembly, the introduction and consideration of the Goa Town and Country Planning (Amendment) Bill, 2007.

ANNEXURE

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Extract of section 17, 17-A & 17-B of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975)

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17. *Revision of regional plan.*— If the Government, at any time after a regional plan has been published in the Official Gazette, is of the opinion that a revision of such regional plan is necessary, it may direct the Chief Town Planner to undertake the revision of the regional plan and thereupon the foregoing provisions of this Act relating to the preparation of the regional plan shall, as far as may be, apply to the revision of a regional plan under this section.

5.17 A. *Prohibition on cutting of hilly land and filling up of low lying land, etc.*— No occupier of any hilly or sloppy land or any low lying land shall, by himself or through his servants or agents or any other persons, undertake the work of cutting of any hilly or sloppy land or filling up of any low lying land, in, over or upon any hilly or sloppy land, as the case may be, without obtaining the prior written permission from the Chief Town Planner.

*Explanation.*— For the purpose of section 17A.—

(i) "low lying land" means and includes any land below 50 cms. or more than from the adjoining ground level;

(ii) "hilly land or sloppy land" means and includes any land having a gradient of 1:10 or more.

17B. *Penalty for contravention of section 17A.*—

(1) Whosoever contravenes or abets the contravention of any of the provisions of section 17A, shall be punishable with simple imprisonment for a period which may extend to one year or fine which may not be less than Rs. 1.00 lakh or with both.

(2) An offence under this section shall be cognizable.

Assembly Hall,  
Porvorim, Goa  
8th March, 2007.

T. N. DHRUVA KUMAR  
Secretary to the Legislative  
Assembly of Goa