



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA TOWN AND COUNTRY
PLANNING (AMENDMENT)
BILL, 2009**

(Bill No. 10 of 2009)

By Shri Dayanand G. Narvekar, MLA

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

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
MARCH, 2009**

**THE GOA TOWN AND COUNTRY
PLANNING (AMENDMENT)
BILL, 2009**

(Bill No. of 2009)

(By Shri Dayanand G. Narvekar, MLA)

A

BILL

to amend the Goa Town and Country Planning Act, 1974.

5

1. **Short title and Commencement:**— (1) This Act may be called the Goa Town and Country Planning (Amendment) Bill 2009.

(2) It shall extend to the whole of Goa.

(3) It shall come into force at once.

10

2. **Substitution of Section 9.**— In the Goa Town and Country planning Act, 1974, hereinafter referred to as the Principal Act, for the existing section 9, the following shall be substituted, namely:-

15 **"9. Power to direct preparation of Development Plans:-**

(1) The Government shall direct every Panchayat and every Municipal Council or

Corporation to prepare Development Plan every year within their jurisdiction and submit it to Zilla Panchayat.

(2) Every Zilla Panchayat shall prepare every year a Development Plan of the District after including the Development Plans of Panchayats and submit it to District Planning Committee.

(3) In case of Municipalities/Corporations such plan shall be submitted to District Planning Committee constituted under section 239 of the Goa Panchayat Raj Act, 1994.

(4) The Government shall constitute a District Planning Committee to consolidate the plans prepared by Zilla Panchayats, Panchayats and Municipal Councils in the District.

(5) The Composition of District Planning Committee shall be as provided in Section 239 of Goa Panchayat Raj Act, 1994

(6) The District Planning Committee shall consolidate the plans as prepared by Zilla Panchayats, Panchayats, Municipal Councils in the District and prepare a Draft Development Plan for the District and forward the same to the Government.

3. Substitution of Section 10.— In the Principal Act, for the existing section 10, the following shall be substituted, namely:—

“10. Preparation of Development Plan.— District Planning Commission shall submit the plans to the Government for its approval subject to the provisions of this Act and rules and regulations framed thereunder.”

4. Substitution of Section 11.— In the Principal Act, for the existing section 11, the following shall be substituted, namely:-

“11. Contents of Development Plan:-

(1) Subject to the provisions of this Act and rules made thereunder, the Development Plans shall indicate the stages by which development may be carried out, the network of transport and communication lines, the proposals for conservation and the development of natural resources and other matters as may have influence on the development of the area.

(2) In particular, and without prejudice to the generality of the foregoing provisions, a Development Plan may provide for all or any of the following matters, namely:-

(a) The broad demarcation of areas for agricultural, forestry, industry, mineral development, urban and rural settlements and other activities.

(b) The reservation of land for recreation, botanical, and zoological gardens, natural reserves, animal sanctuaries, dairies and

health resorts and for the preservation, conservation and development of areas of natural scenery, forest, wild life, natural resources and landscaping.

(c) Preservation of objects, features, structures or places of historical, natural, archaeological or scientific interest and educational value. 5

(d) The prevention of erosion of soil, provision for afforestation, or re-afforestation, improvement and re-development of water front areas, rivers and lakes. 10

(e) Transport and communications network such as roads, highways, railways, waterways, canals and airports including their future development. 15

(f) Rural and Urban centers, both existing and new, indicating the extent of their anticipated growth.

(g) For irrigation, water supply and hydroelectric works flood control and prevention of water pollution. 20

(h) Providing for the re-location of population or industry from over-populated and industrially congested areas, and indicating the density of population or the concentration of industry to be allowed in any areas." 25

5. **Substitution of Section 12.**— In the Principal Act, for the existing section 12, the following shall be substituted, namely:- 30

"12. Public notice of the Development Plan:—

(1) The Chief Town Planner shall notify the Development Plan as prepared under section 10 in the Official Gazette, and also in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected and inviting comments in writing form the public on the Development Plan within such period as may be specified in such notification. 5 10

Provided that such period shall not be less than two months from the date on which the Development Plan was published in the Official Gazette.

(2) After the expiry of the period mentioned in sub-section (1) the Chief Town Planner shall refer the comments received from the public to the Government for its consideration. 15

(3) The Chief Town Planner shall, if necessary, revise the Development Plan and the report in the light of any modification suggested by the general public and submit them to the Government." 20

6. **Substitution of Section 13.**— In the Principal Act, for the existing section 13, the following shall be substituted, namely:- 25

"13. Approval by the Government:—

(1) The Government shall within the prescribed period, either approve the

Development Plan as submitted to it under section 12 or may approve the Development Plan with such modifications as it may consider necessary, or may return the said Plan to the Chief Town Planner with instructions either to modify the plan or to prepare a fresh Development Plan in accordance with such directions as the Government may issue in this behalf.

5

(2) Where a fresh Development Plan is required to be prepared under sub-section (1), the provisions of sections 11 and 12 shall, as far as may be, apply to the preparation and approval of such Plan."

10

7. Substitution of Section 14.— In the Principal Act, for the existing section 14, the following shall be substituted, namely:-

15

"14. Publication of Development Plan.—

The Chief Town Planner shall hereafter notify the Development Plan as approved by the Government in the Official Gazette and also in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected."

20

8. Substitution of Section 15.— In the Principal Act, for the existing section 15, the following shall be substituted, namely:-

25

"15. Effect of Development Plan:—

On and from the date of publication of the Development Plan under section 15 for an area, all developmental programmes undertaken within that area by any Department of the Government or by any other person, shall conform to the provisions of such Development Plan."

5

STATEMENT OF OBJECT AND REASONS

The Bill is brought under the 73rd and 74th Amendments to the Constitution of India, it is obligatory on the Government to take steps to organise village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of local self Government. This Bill is brought to promote these objectives.

FINANCIAL MEMORANDUM

No financial implications are involved.

MEMORANDUM ON DELEGATED LEGISLATION

Delegated Legislation is envisaged which is of normal character.

Assembly Hall, **DAYANAND G. NARVEKAR**
Porvorim-Goa. MLA
Dated: 3rd March, 2009

Assembly Hall, **R. KOTHANDARAMAN**
Porvorim-Goa. Secretary
Dated: 3rd March, 2009

(Annexure to Bill No. of 2009)

The Goa Town and Country Planning Act, 1974

Section 9:— Power to direct preparation of regional plans.— The Government may direct the Chief Town Planner to prepare regional plans for any part or parts of the Union territory and the period within which such regional plans may be prepared shall be specified in the direction.

Section 10:— Preparation of regional plans.— Subject to the provisions of this Act and rules and regulations made thereunder, the Chief Town Planner shall after carrying out such surveys as may be necessary of the physical, Social and economic conditions and potentialities of the area in respect of which a regional plan is to be prepared under section 9, prepare a regional plan for such area together with a report explaining the various aspects of development proposed in such plan.

Section 11:— Contents of regional Plan.— (1) Subject to the provisions of this Act and any rules made thereunder, the regional plan shall indicate the stages by which development may be carried out, the network of transport and communication lines, the proposals for conservation and the development of natural resources and such other matters as may have an influence on the development of the concerned area.

(2) In particular, and without prejudice to the generality of the foregoing provisions, a regional plan may provide for all or any of the following matters, namely:-

- (a) the broad demarcation of areas for agriculture, forestry, industry, mineral development, urban and rural settlements and other activities;

- (b) the reservation of land for recreation, botanical and zoological gardens, natural reserves, animal sanctuaries, dairies and health and resorts and for the preservation, conservation and development of areas of natural scenery, forests, wild life, natural resources and landscaping;
- (c) preservation of objects, features, structures or places of historical, natural, archaeological or scientific interest and educational value;
- (d) the prevention of erosion of soil, provision for afforestation, or re-afforestation, improvement and re-development of water front areas, rivers and lakes;
- (e) transport and communications network such as roads, highways, water ways, canals and airports including their future development;
- (f) rural and urban centers, both existing and new, indicating the extent of their anticipated growth;
- (g) for irrigation, water supply and hydroelectric works, flood control and prevention of water pollution;
- (h) providing for the re-location of population or industry from over-populated and industrially congested areas, and indicating the density of population or the concentration of industry to be allowed in any areas.

Section 12:— Board to consider the regional plan.—

The Chief Town Planner shall refer the regional plan prepared under section 10, to the Board for its consideration and may make such changes in the regional plan as may be necessary in the light of the views expressed by the Board.

Section 13:— Public notice of the regional plan.—

(1) The Chief Town Planner shall notify the regional plan as modified under section 12, in the Official Gazette, and also in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected and inviting comments in writing from the public on the regional plan within such period as may be specified in such notification:

Provided that such period shall not be less than two months from the date on which the regional plan is published in the Official Gazette.

(2) After the expiry of the period mentioned in sub-section (1), the Chief Town Planner shall refer the comments received from the public to the Board for its consideration.

(3) The Chief Town Planner shall, if necessary, revise the regional plan and the report in the light of any modification suggested by the Board and submit them to the Government together with the comments received from the public on the regional plan for approval.

Section 14:— Approval by Government.— (1) The Government may, within the prescribed period, either approve the regional plan as submitted to it under section 13 or may approve the regional plan with such modifications as it may consider necessary, or may return the said plan to the Chief Town Planner with instructions either to modify the plan in accordance with such directions as the Government may issue in this behalf.

(2) Where a fresh regional plan is required to be prepared under sub-section (1), the provisions of sections 12 and 13 shall, as far as may be, apply to the preparation and approval of such plan.

15:— **Publication of regional Plan.**— The Chief Town Planner shall notify the regional plan as approved by the Government in the Official Gazette and also in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected.

ASSEMBLY HALL,
PORVORIM-GOA,
3rd March, 2009.

R. KOTHANDARAMAN
SECRETARY