



LEGISLATIVE ASSEMBLY OF THE
STATE OF GOA

**The Goa Town and Country Planning
(Amendment) Bill, 2011**

(Bill No. 12 of 2011)

By Shri Manohar Parrikar, Leader of Opposition

~~to be~~ introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM-GOA

MARCH, 2011

The Goa Town and Country Planning (Amendment) Bill, 2011

(Bill No. 12 of 2011)

A

BILL

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

5 Be it enacted by the Legislative Assembly of
the State of Goa in the Sixty-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
10 (Amendment) Act, 2011.

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

2. *Amendment to section 44.*— In section 44 of
15 the principal Act, after sub-section (5), the
following sub-section shall be inserted, namely:-

“(6) Notwithstanding anything contained in
sub-sections 1 to 5 of section 44; the Planning
and Development Authority shall not grant any
20 development permission until the following
conditions are complied with, by the applicant
seeking permission.—

(a) existence of infrastructural facilities
including a road of minimum 6 meters for
25 single dwelling unit and 10 meters for multi-
dwelling unit shall be provided for;

(b) supply of suitable power and water supply in the area proposed for construction shall be provided for;

(c) multi-dwelling units having 100 flats in case of residential area and commercial areas; shall have independent sewage treatment plant of approved technology by Goa State Pollution Control Board; as well as Garbage Management System including composting facilities and disposal of Municipal Solid Waste shall be provided for;

(d) minimum one car parking space in case of a single unit and sufficient parking area as notified from time to time in case of multi-dwelling unit for residents and visitors shall be provided for;

(e) set back area of minimum 5 mts. shall be maintained;

Compliance of the aforesaid is mandatory for undertaking and carrying out construction in the area."

Statement of Object and Reasons

It is observed that multi-dwelling units on getting permission fails to provide infrastructure facilities and basic amenities to the people. There is lot of parking problems in residential areas where commercial activities are permitted. Moreover, the projects having multi-dwelling units shall have sufficient parking space in the said project. The present amendment to the Goa Town and Country Planning (Amendment) Act, 1974 seeks to achieve the above desired objectives.

Financial Memorandum

No additional financial implication is envisaged.

Memorandum of Delegated Legislation

Delegated Legislation is envisaged which is of normal character.

Porvorim-Goa
17th March, 2011.

MANOHAR PARRIKAR
Leader of Opposition

Porvorim-Goa
17th March, 2011.

N. B. SUBHEDAR
For Secretary

ANNEXURE

The Goa Town and Country Planning Act, 1974

44. *Grant of permission.*— (1) Any person intending to carry out any development in respect of, or change of use of, any land shall make an application in writing to the Planning and Development Authority for permission in such form and containing such particulars and accompanied by such documents and plans as may be prescribed.

(2) (a) In the case of a Department of the Central or Union territory Government or local authority intending to carry out any development in respect of, or change of use of any land, the Department or authority concerned shall notify in writing to the Planning and Development Authority of its intention to do so, giving full particulars thereof accompanied by such documents and plans as may be prescribed, at least two months prior to the undertaking of such development or change, as the case may be, and shall obtain permission in respect thereof.

(b) Where the Planning and Development Authority has raised any objection in respect of the conformity of the proposed development or change of use either to any Development Plan under preparation or to any of the regulations in force at the time, or due to any other material consideration, the Department or authority concerned, as the case may be, shall, either make the necessary modifications in the proposals for such development or change of use to meet the objections raised by the Planning and Development Authority or submit the proposal for such development or change of use together with the objections raised by the Planning and Development Authority to the decision of the Government.

(c) The Government on receipt of such proposals

together with the objections of the Planning and Development Authority shall, in consultation with the Chief Town Planner, either approve the proposals with or without modifications or direct the Department or authority concerned, as the case may be, to make such modifications in the proposals as they consider necessary in the circumstances.

(3) On an application having been duly made under sub-section (1), and on payment of the development charge, if any, as may be assessed under Chapter IX, the Planning and Development Authority may—

(a) pass an order—

(i) granting permission unconditionally; or

(ii) granting permission subject to such conditions as it may think fit to impose;

or

(iii) refusing permission; or

(b) without prejudice to the generality of clause

(a), impose conditions—

(i) to the effect that the permission granted is only for a limited period and that after the expiry of that period, the land shall be restored to its previous condition or the use of the land so permitted shall be discontinued; or

(ii) for regulating the development or use of any land under the control of the applicant or for the carrying out of works on any such land as may appear to the Planning and Development Authority expedient for the purpose of the permitted development.

(4) The Planning and Development Authority in dealing with the applications for permission under this section shall have regard to—

(i) the provisions of any Development Plan which has come into operation;

(ii) the proposals or provisions which it thinks

are likely to be made in any Development Plan under preparation, or to be prepared; ¹⁷[]

¹⁸[(iii) to the relevant bye-laws or regulations of the local authority concerned; and]

(iv) any other material consideration.

(5) When permission is granted subject to conditions or is refused, the grounds for imposing such conditions or such refusal shall be recorded in writing in the order and such order shall be communicated to the applicant in the manner prescribed.

Porvorim-Goa
17th March, 2011.

N. B. SUBHEDAR
For Secretary