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SERIES I No. 5

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

NOTE

There are two Extraordinary issues to the Official Gazette, Series I No. 4 dated 25-4-2013, as follows:—

- (1) Extraordinary dated 26-4-2013 from pages 133 to 134 regarding The Goa Toddy Tappers Welfare Fund (Third Amendment) Scheme, 2013—Not. No. 2/3/85-Fin(R&C)/Part from Department of Finance (Revenue & Control Division).
- (2) Extraordinary (No. 2) dated 30-4-2013 from pages 135 to 136 regarding Levy of EPPCA for Joint Electricity Regulatory Commission— Not. No. 120/03/JERC-FPPA/CEE/Tech. from Department of Power (Office of the Chief Electrical Engineer).

INDEX

Department	Notification/Order/Bills	Subject	Pages
1. Finance (Debt Mang.) Division Additional Secretary	Off. Mem.- 1/12/2007-Fin (Bud)	Revised rate of interest for HBA.	138
2. a. Goa Legislature Secretariat	Bill.- LA/LEGN/2013/308	The Goa Non-Biodegradable Garbage (Control) (Second Amendment) Act, 2013.	138
b. —do—	Bill.- LA/LEGN/2013/309	The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2013.	139
c. —do—	Bill.- LA/LEGN/2013/310	The Goa Legislative Diploma No. 645 dated 30-3-1933 (Amendment) Act, 2013.	148
D. —do—	Bill.- LA/LEGN/2013/311	The Goa Cess on Products and Substances Causing Pollution (Green Cess) Act, 2013.	149
e. —do—	Bill.- LA/LEGN/2013/312	The Goa Land Revenue Code (Amendment) Act, 2013.	153
f. —do—	Bill.- LA/LEGN/2013/313	The Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Act, 2013.	158
G. —do—	Bill.- LA/LEGN/2013/314	The Goa Motor Vehicles Tax (Amendment) Act, 2013.	160
3. Public Health Under Secretary	Ord.- 5/7/2011-I/PHD	Creation of posts.	165
4. Revenue Under Secretary	Ord.- 35/2/2013-RD	Permission to LIC to pay consolidated stamp duty.	166
5. Town & Country Planning Chief Town Planner & ex officio Jt. Secretary	Ord.- 45/3/2 (Processing Fees)13/1629	Levy of processing fee for various developments/ /constructions.	166
6. Transport Directorat of Transport Dir. & ex officio Jt. Secy.	Not.- D.Tpt/Accts/LTCL- -Subsidy/2013-14/1646	Scheme for release of subsidy to KTCL towards social cost.	168

GOVERNMENT OF GOA

Department of Finance

Debt (Management) Division

Office Memorandum

1/12/2007-Fin (Bud)

Read: (1) Order No. 3/7/79-Fin(Exp) dated 16-3-1998.

(2) Government O. M. No. 3/7/2001-Fin (Exp) dated 25-9-2006.

(3) Corrigendum No. 1/12/2007-Fin (Bud) dated 10-8-2007.

(4) Circular No. 1/12/2007-Fin (Bud) dated 13-10-2009.

(5) Government O. M. No. 1/12/2007-Fin (Bud) dated 29-10-2009.

(6) Government O. M. No. 1/12/2007-Fin (Bud) dated 2-11-2009.

(7) Government O. M. No. 1/12/2007-Fin (Bud) dated 16-4-2010.

Government of Goa has decided to revise the rate of interest for House Building Advance (HBA) for Government Employees from 7% to 5% with effect from 1-4-2013 for all House Building Advance up to Rs. 30 lakhs.

The difference between the rate of interest charged by Bank of India and the interest rate to be paid by the Government employees will be subsidized by the Government, the new rate shall be applicable to new HB advances as well as the existing HB advances.

All other existing terms and conditions regulating the grant of House Building Advance will remain unchanged.

Anand Sherkhane, IES Additional Secretary (DMU).

Porvorim, 18th April, 2013.

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Goa Legislature Secretariat

LA/LEGN/2013/308

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 25th April, 2013 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Non-Biodegradable
Garbage (Control)
(Second Amendment) Bill, 2013

(Bill No. 9 of 2013)

A

BILL

further to amend the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act No. 5 of 1997).

Be it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Non-Biodegradable Garbage (Control) (Second Amendment) Act, 2013.

(2) It shall come into force at once.

2. *Amendment of section 7.*— In section 7 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act No. 5 of 1997),—

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

“(i) levy a cess at such rates as may be determined by the Government from time to time, by notification in the Official Gazette, but not exceeding two percent of “sale price” as defined in clause (ad) of section 2 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) of such items, marketed in non-biodegradable packaging material, including bottles and containers, as may be mentioned in such notification, which shall be utilized for implementation of solid waste management schemes including segregation, collection, safe disposal and re-cycling of non-biodegradable waste material and also to promote the sale and use of biodegradable packaging material, bags and containers;”;

(ii) after clause (i), the following clause shall be inserted, namely:—

“(j) specify by notification in the Official Gazette the manner of assessment, levy and collection of cess under clause (i).”.

Statement of Objects and Reasons

The Bill seeks to substitute clause (i) of section 7 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act No. 5 of 1997) (hereinafter referred to as the “said Act”), so as to empower the Government to levy a cess not exceeding two percent of the “sale price” as defined in clause (ad) of section 2 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005), on such items marketed in non-biodegradable packaging material,

including bottles and containers, as may be determined by the Government, by the notification in the Official Gazette, from time to time.

The Bill also seeks to insert a new clause (j) after clause (i) of section 7 of the said Act, so as to enable the Government to specify the manner of assessment, levy and collection of cess.

The Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill. However, it will generate additional revenue to the Government by way of collection of cess.

Memorandum Regarding Delegated Legislation

Clause 2 (i) of the Bill empowers the Government to determine the rates of cess and items marketed in non-biodegradable packaging material by notification in the Official Gazette.

Clause 2 (ii) of the Bill empowers the Government to specify by notification in the Official Gazette the manner of assessment, levy and collection of cess under clause (i) of section 7 of the said Act.

These delegations are of normal character.

Porvorim, Goa.
24th April, 2013.

ALINA SALDANHA
Minister for Environment

Assembly Hall,
Porvorim-Goa.
24th April, 2013.

N. B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

LA/LEGN/2013/309

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 25th April, 2013 is hereby published for

general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Bill, 2013

(Bill No. 10 of 2013)

A

BILL

further to amend the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969).

Be it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2013.

(2) It shall come into force at once.

2. *Amendment of long title and preamble.*— In the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969) (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 and Diu”, the expression “State of Goa” shall be substituted.

3. *Amendment of section 1.*— In section 1 of the principal Act,—

(i) in sub-section (1), the figure and words, “Daman and Diu” shall be omitted;

(ii) in sub-section (2),—

(a) for the expression “and to Daman (Nani and Moti) in the Union Territory of Goa, Daman and Diu but the Administrator”, the expression “but the Government” shall be substituted;

(b) for the expression “said Union Territory”, the expression “State of Goa” shall be substituted.

(iii) in sub-section (3) and in any other sections, for the word “Administrator”, wherever it occurs, the word “Government” shall be substituted.

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

(i) clauses (a) and (b) shall be omitted;

(ii) clauses (c) to (h) shall be numbered as (a) to (f);

(iii) after clause (f) as so renumbered, the following clause shall be inserted, namely:—

“(g) “Government” means the Government of Goa”;

(iv) clauses (i) to (p) shall be numbered as clauses (h) to (o);

5. *Amendment of section 21.*— In section 21 of the principal Act, for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that where the tenant denies the title of the landlord or claims a right of permanent tenancy, the Controller shall decide whether the denial or claim is bonafide and may pass a decree for eviction on any of the grounds mentioned in this Chapter even though it is found that such denial does not involve forfeiture of the lease or that the claim is unfounded”.

6. *Amendment of section 23A.*— In section 23A of the principal Act,—

(i) in sub-section (3), in clauses (c) and (d), for the expression “Controller/Tribunal/Court”, the expression “Controller/Appellate Board/Court” shall be substituted;

(ii) after sub-section (3B), the following sub-section shall be inserted, namely:—

“(3C) (a) Notwithstanding anything contained in this Act, a landlord, who is a senior citizen, or a widow, or a physically disabled person, on an application made in this behalf to the Controller, shall be entitled to recover possession of any residential premises owned by him/her on the ground that such premises are bonafide required by him/her for occupation by himself/herself.

(b) Where the senior citizen, or a widow, or a physically disabled person recovers possession of the premises under clause (a), he or she shall not transfer it through sale or any other means or let it out before the expiry of a period of three years from the date of taking possession of the premises, failing which, the evicted tenant may apply to the Controller for an order that he or she be restored the possession of the said premises and the Controller shall make an order accordingly.

(c) The Controller shall pass an order for eviction of tenant on an application by a senior citizen, or widow, or a physically disabled person under clause (a) above supported by documentary proof that such a person is a senior citizen, or a widow, or a physically disabled person.

(d) Every application filed before the Controller under clause (a) above shall be dealt with in accordance with the procedure specified in sub-section (3A) and the provisions thereof in so far they are applicable, shall apply to such proceedings.

Explanation:— For the purposes of this sub-section,—

(i) senior citizen means a person who has attained the age of 60 years;

(ii) a widow includes a widower; and

(iii) a physically disabled person means a person who has suffered disability at least to the extent of 40% and is so certified by a medical authority specified under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996), as amended from time to time.

7. *Amendment of section 41.*— In section 41 of the principal Act, in sub-section (1), the existing proviso shall be omitted.

8. *Substitution of section 45.*— For section 45 of the principal Act, the following section shall be substituted, namely:—

“45. *Appeal.*— (1) From every order, other than an interim order, passed by the Rent Tribunal, an appeal shall lie to the Appellate Board.

(2) From every order, other than an interim order, passed by the Authorised Officer under section 31, or by the Controller, an appeal shall lie to the Appellate Board.

(3) An appeal under this section shall be preferred within thirty days from the date of the order appealed against:

Provided that the Appellate Board may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time”.

9. *Substitution of section 46.*— For section 46 of the principal Act, the following section shall be substituted, namely:—

“46. *Revision.*— (1) The Appellate Board may, in exceptional circumstances, on the

application of any party, call for and examine the records relating to any order passed under this Act by the Authorised Officer, the Controller, or the Rent Tribunal, for the purpose of satisfying itself as to the correctness, legality, or propriety of such order and may pass such order thereon as it thinks fit:

Provided that no such record shall be called for after the expiry of ninety days from the date of the order.

(2) the cost of such proceedings shall be in the discretion of the Appellate Board”.

10. *Insertion of new section 46A.*— After section 46 of the principal Act, the following new section shall be inserted, namely:—

“46A. *Transfer of pending appeals and revisions.*— All appeals and revisions received or registered under this Act and pending before Administrative Tribunal immediately before the commencement of the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2013, shall, on such commencement, stand transferred to the Appellate Board and such Appellate Board may proceed to deal with such appeals and revisions from the stage which was reached before such transfer or from any earlier stage or *de novo*, as such Appellate Board may deem fit.”

11. *Amendment of section 56.*— In section 56 of the principal Act, for the expression “the Administrative Tribunal or the Administrator”, the expression “or the Government” shall be substituted.

12. *Amendment of section 58.*— In section 58 of the principal Act,—

(i) in sub-section (2), in clause (a), for the expression, “Appellate Board, and Administrative Tribunal”, the expression “and Appellate Board” shall be substituted;

(ii) in sub-section (4), the figure and words, “Daman and Diu” shall be omitted.

Statement of Objects and Reasons

1. Section 23A of the Goa Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969) (hereinafter referred to as the “said Act”), deals with the right to recover immediate possession of premises which accrues in favour for certain persons.

The Bill seeks to amend said section 23A of the said Act, by inserting a new sub-section (3C) therein, so as to protect the property rights of person who is a senior citizen or a widow or a physically disabled person and enable them to recover possession of their premises when the same are bonafide required by them for their own occupation.

2. The section 46A of the bill seeks to transfer all proceedings pending before the Administrative Tribunal immediately before the present Amendment Act, to the Appellate Board.

This Bill seeks to achieve the above objects.

Financial Memorandum

There is no financial implication involved hence the approval of the Finance Department is not required.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim, Goa. (Adv. FRANCISCO D'SOUZA)
24th April, 2013. Minister for Revenue

Assembly Hall, (N. B. SUBHEDAR)
Porvorim-Goa. Secretary to the
24th April, 2013. Legislative Assembly of Goa.

ANNEXURE

Bill No. 10 of 2013

.....
**The Goa Buildings (Lease, Rent and Eviction)
 Control (Amendment) Bill, 2013**

THE GOA, DAMAN AND DIU BUILDINGS
 (LEASE, RENT AND EVICTION) CONTROL
 ACT, 1968

[Act No. 2 of 1969]

to provide for the control of rents and evictions and of rates of hotels and lodging houses, and for the requisition of vacant buildings, in the Union Territory of Goa, Daman and Diu.

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

(2) It extends, in the first instance, to the cities of Panaji, Margao, Mapusa and Vasco (including the Harbour area) and to Daman (Nani and Moti) in the Union Territory of Goa, Daman and Diu but the Administrator may, from time to time, by notification in the Official Gazette extend this Act or any provision thereof to any other area in the said Union Territory.

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

Provided that different dates may be appointed for different provisions of this Act and for different areas and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

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

(a) “Administrative Tribunal” means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965;

(b) “Administrator” means the administrator of the Union Territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;

(c) “Appellate Board” means the Appellate Board constituted under sub-section (1) of section 41;

(d) “Authorised Officer” means an officer appointed as such under sub-section (2) of section 41;

(e) “Building” means any building, or part of a building, which is, or is intended to be, let separately for use as a residence or for commercial use or for any other purpose, and includes—

(i) the garden, ground and out-houses, if any, appertaining to such building or part of the building;

(ii) any furniture supplied by the landlord for use in such building or part of the building; but does not include a room in a hotel or lodging house;

(f) “Controller” means a person appointed as a controller under sub-section (2) of section 41 and, except in section 42, includes an Additional Controller;

(g) “fair rate” means the fair rate fixed under section 37 and includes the rate as revised under section 38;

(h) “fair rent” means the fair rent fixed under Chapter III;

(i) “hotel or lodging house” means a building, or part of a building, where lodging with or without board or other services is provided for monetary consideration;

(j) “landlord” means a person who, for the time being, is receiving, or is entitled to receive, the rent of any building, whether on his own account or on account of, or on behalf of, or for the benefit of, any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;

(k) “manager of a hotel” includes any person in charge of the management of the hotel;

(l) “member of the family” means—

“2[(i) in relation to a landlord who is an individual, his spouse, son, daughter and includes father, mother, grandson solely dependent on the landlord for maintenance:

Provided that in the case of married daughter, her husband shall not be entitled to claim any benefit under section 5, if his wife has already got the said benefit thereunder and in case her husband has already got the said benefit, the married daughter shall not be entitled to claim the same”.]

(ii) in relation to a landlord who is a joint Hindu family, the members of such a family;

(iii) in relation to joint owners other than a Joint Hindu family, the members of the family as indicated in sub-clause (i) in relation to each of such joint owners;

(m) "owner of a lodging House" means a person who for the time being is receiving, or is entitled to receive, whether on his own account, or on account of, or on behalf of, or for the benefit of, himself or any other person or as an agent or guardian, receiver or a trustee or any other person, any monetary consideration from any person on account of board, lodging or other services provided in the lodging house;

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

(o) "Rent Tribunal" means the Rent Tribunal constituted under sub-section (1) of section 41;

(p) "tenant" means any person by whom or on whose account or behalf the rent of any building is, or but for special contract would be, payable and includes [in the event of his death the surviving spouse, or any son, or unmarried daughter or father or mother who had been living with him as a member of his family upto the date of his death and] a sub-tenant and also any person continuing in possession after the termination of his tenancy, but shall not include any person against whom any order, or decree for eviction has been made.

21. *Bar on eviction of tenants.*— Notwithstanding anything to the contrary contained in any other law or contract, a tenant shall not be evicted, whether in execution of a decree or otherwise, except in accordance with the provisions of this Chapter:

Provided that where the tenant denies the title of the landlord or claims a right of permanent tenancy, the Controller shall decide whether the denial or claim is bonafide and if he records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a civil court and the court may pass a decree for eviction on any of the grounds mentioned in this Chapter even though the court finds that such denial does not involve forfeiture of the lease or that the claim is unfounded.

23A. *Right to recover immediate possession of premises to accrue to certain persons.*— (1) Where

a landlord who, being a person in occupation of any residential premises allotted to him by the Government or any local authority is required, by, or in pursuance of any general or special order made by the Government or such authority to vacate such residential accommodation or in default, to incur certain obligations, on the ground that he owns in the place where such residential premises has been allotted to him either by the Government or by such local authority, a residential accommodation either in his own name or in the name of his wife or dependent child there shall accrue on and from the date of such order to such landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implied), custom or usage to the contrary, a right to recover immediately possession of any premises let out by him:

Provided that nothing in this section shall be construed as conferring a right on a landlord owning in the place where the residential accommodation has been allotted to him by the Government or such local authority two or more dwelling houses whether in his own name or in the name of his wife or dependent child, to recover the possession of more than one dwelling house and it shall be lawful for such landlord to indicate the dwelling house, possession of which he intends to recover.

(2) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract, custom or usage to the contrary where the landlord exercises the right of recovery conferred on him by sub-section (1), no compensation shall be payable by him to the tenant or any person claiming through or under him and no claim for such compensation shall be entertained by any court, tribunal or other authority:

Provided that where the landlord had received,—

(a) any rent in advance from the tenant, he shall, within a period of ninety days from the date of recovery of the premises by him, refund to the tenant such amount as represents the rent payable for the unexpired portion of the contract agreement or lease;

(b) any other payment, he shall, within the period aforesaid, refund to the tenant a sum which shall bear the same proportion to the total amount as received, as the unexpired portion of the contract or agreement or lease bears to the total period of contract or agreement or lease:

Provided further that, if any default is made in making any refund as aforesaid the landlord shall be liable to pay simple interest at the rate of six per cent. per annum.

19[(3) Notwithstanding anything contained in this Act,—

(a) a landlord, who is a member of the armed forces of the Union or who is an employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government whose employees are subject to transfers from their original place of posting or who was such member or employee as the case may be, and is duly retired (which term shall include premature retirement), shall be entitled to recover possession of any premises on the grounds that the premises are bonafide required by him for occupation by himself or any member of his family (which term shall include a parent or other relation ordinarily residing with him and dependent on him), and the Controller shall pass an order for eviction on such grounds if the landlord, at the hearing of the suit, produces a certificate signed by the Head of his Services or his Commanding Officer or by the Head of his Department or Head of the Public Sector Undertaking, as the case may be, to the effect that—

(i) he is presently a member of the armed forces of the Union or employee of the Central Government or Railways or the Public Sector Undertaking of the Central Government or he was such member or employee as the case may be, and is now retired ex-serviceman or employee as the case may be; and

(ii) he does not possess any other suitable residence in the local area where he or the members of his family can reside:

Provided that in the case of an ex-serviceman or an ex-employee referred to in sub-clause (i) above, an affidavit sworn before the competent authority to the effect as envisaged in sub-clause (ii) shall be sufficient;

(b) Where a member of the armed forces of the Union or employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government whose employees are subject to transfers from their original posting place, as the case may be, dies while in services or such member is duly retired and dies within five years of his retirement, his widow who is or becomes a landlord of any

premises, shall be entitled to recover possession of such premises, on the ground that the premises are bonafide required by her for occupation by herself or any member of her family (which term shall include her husband's parent or other relation ordinarily residing with her) and the Controller shall pass an order for eviction on such ground, if such widow, at the hearing of the suit, produces a certificate signed by the Area or Sub-Area Commander within whose jurisdiction the premises are situated or by the Head of Department or Head of the Public Sector Undertaking whereof, her deceased husband was employee to the effect that—

(i) she is a widow of a deceased member of the armed forces or the employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government, as the case may be; and

(ii) she does not possess any other suitable residence in the local area where she or the members of her family can reside:

Provided that the landlord or his widow, as the case may be, shall be entitled to recover only one of the premises chosen by him or her, under this section, in case more than one premises have been let out by him or her.Å”

Explanation 1.— For the purposes of this sub-section,—

(i) “armed forces” means an armed force of the Union constituted under an Act of Parliament and includes a member of the police force constituted under the Police Act as applicable to the State of Goa;

(ii) any certificate granted by the concerned authority thereunder shall be conclusive evidence of the facts stated therein.

Explanation 2.— For the purpose of clause (a) of this sub-section, the expression the Head of his “Services in the case of officers retired from the Indian Navy, includes the Flag Officer-in-Chief, Western Naval Command and in the case of officers retired from the Indian Air Force, includes the Station Commander.”

20[(c) The provisions of this sub-section shall be applicable to all applications including those pending proceedings before any Controller/ Tribunal/Court and all such proceedings shall be disposed of in accordance with the provisions of this section.

(d) During the pendency of proceedings for recovery of possession under this sub-section, the tenant shall continue the regular payment of rent due to the landlord or deposit such amounts with the Controller/Tribunal/Court for payment to the landlord:

Provided that nothing in this sub-section shall be so constructed as conferring a right on any person to recover possession of more than one residential building inclusive of any part or parts thereof if it is let out in part of parts:

Provided further that the Controller may give the tenant a reasonable period for putting the landlord or as the case may be, his widow in possession of the residential building and may extend such time so as not to exceed six months in the aggregate].

21[(3A) (a) Every application under sub-section (3) shall be dealt with in accordance with the procedure specified in this sub-section.

(b) After an application under sub-section (3) is received, the Controller shall issue summons for service on the tenant in the form specified in the Schedule.

(c) The summons issued under sub-clause (b) shall be served on the tenant as far as may be, in accordance with the provisions of Order V of the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908). The Controller shall in addition direct that a copy of the summons be also simultaneously sent by registered post acknowledgement due addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and that another copy of the summons be affixed at some conspicuous part of the building in respect whereof the application under sub-section (3)1 been made.

(d) When an acknowledgement purporting to be signed by the tenant or his agent is received by the Controller or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent has refused to take delivery of the registered article and an endorsement is made by a process server to the effect that a copy of the summons has been affixed as directed by the Controller on a conspicuous part of the building and the Controller after such enquiry as he deems fit, is satisfied about

the correctness of the endorsement, he may declare that there has been a valid service of the summons on the tenant.

(e) The tenant on whom the service of summons has been declared to have been validly made under clauses (c) or (d) of sub-section (3A), shall have no right to contest the prayer for eviction from the residential building unless he files an affidavit within 15 days from the date stating the grounds of service on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord or, as the case may be, the widow, of such landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction of the tenant.

(f) The Controller may give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would disentitle the landlord or, as the case may be, the widow, of such landlord from obtaining an order for the recovery of possession of the residential building under sub-section (3).

(g) Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing on a date not later than one month from the date on which the leave is granted to the tenant to contest and shall hear the application from day to day till the hearing is concluded and application decided.

(h) No appeal or second appeal shall lie against an order for the recovery of possession of any residential building made by the Controller in accordance with the procedure specified in this sub-section:

Provided that the High Court may, for the purpose of satisfying itself that an order made by the Controller under this sub-section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit].

(4) [save as provided in sub-sections (3) and (3A) any landlord] who desires to exercise the right conferred by this section shall make an application to the Controller and the provisions of section 25 in so far as they are applicable, shall apply to such proceedings].

41. *Authorities.*— (1) The Administrator may by notification in the Official Gazette, constitute for any local area an Appellate Board and a Rent Tribunal consisting of one or more persons as may be prescribed for the purpose of this Act:

Provided that the Administrator may, by notification in the Official Gazette, entrust the powers, functions or duties of an Appellate Board to the Administrative Tribunal.

(2) (a) The Administrator may also, by notification in the Official Gazette, appoint an Authorised Officer, a Controller and as many Additional Controllers as he thinks fit, for any local area.

(b) An Additional Controller shall exercise the same powers and discharge the same duties as a Controller.

(3) The Administrator may, by notification in the Official Gazette, define the areas within which an Authorised Officer, or a Controller shall perform his functions.

45. *Appeal.*— (1) From every order, other than an interim order, passed by the Rent Tribunal, an appeal shall lie to the Appellate Board.

(2) From every order, other than an interim order, passed by the Authorised Officer under Section 31, or by the Controller an appeal shall lie to the Administrative Tribunal.

(3) An appeal under this section shall be preferred within thirty days from the date of the order appealed against:

Provided that the Appellate Board or, as the case may be, the Administrative Tribunal, may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

46. *Revision.* — (1) The Administrative Tribunal may, in exceptional circumstances, on the application of any party, call for and examine the records relating to any order passed under this Act by the Authorised Officer, the Controller, the Rent Tribunal, or the Appellate Board for the purpose of satisfying itself as to the correctness, legality, or propriety of such order and may pass such order thereon as it thinks fit:

Provided that no such record shall be called for after the expiry of ninety days from the date of the order.

(2) The cost of such proceedings shall be in the discretion of the Administrative Tribunal.

56. *Jurisdiction of courts barred.*— Save as provided in this Act, no court shall have jurisdiction to settle, determine or deal with any question which is by or under this Act required to be settled, determined or dealt with by the Controller, the Rent Tribunal, the Appellate Board, the Administrative Tribunal, or the Administrator, and no order passed by any such authorities under this Act shall be called in question in any court.

58. *Power to make rules.*— (1) The Administrator may, by notification in the Official Gazette and subject to the conditions of previous publication, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may provide for:—

(a) the procedure to be followed and the powers that may be exercised by the Controller, Rent Tribunal, Appellate Board, and Administrative Tribunal in the performance of their functions under this Act;

(b) the manner in which notices and orders under this Act shall be given or served;

(c) the setting aside of ex-parte orders passed under this Act;

(d) the application for bringing on record legal representatives of deceased persons who were parties to proceedings under this Act and the time within which such application shall be preferred;

(e) the procedure to be followed in taking possession of building and in disposing of the articles found therein at the time of taking possession;

(f) the fee leviable in respect of applications and appeals under this Act;

(g) any other matters which has to be, or may be, prescribed.

(3) In making a rule under this section the Administrator may provide that a person who contravenes any of the provisions thereof shall be punishable with fine which may extend to one thousand rupees.

(4) Every rule made under this Act shall, as soon as may be after it is made, be laid on the table of the Legislative Assembly of Goa, Daman and Diu and if before the expiry of the session in which it

is so laid or the session immediately following, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Assembly Hall,
Porvorim-Goa,
24th April, 2013.

N. B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

LA/LEGN/2013/310

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 25th April, 2013 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Legislative Diploma No. 645
dated 30-3-1933

(Amendment) Bill, 2013

(Bill No. 11 of 2012)

A

BILL

further to amend the Legislative Diploma No. 645 dated 30-3-1933, in its application to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Legislative Diploma No. 645 dated 30-3-1933 (Amendment) Act, 2013.

(2) It shall come into force at once.

2. *Amendment of Article 54.*— In Article 54 of the Legislative Diploma No. 645 dated 30-3-1933, clause (8) shall be omitted.

Statement of Objects and Reasons

The Bill seeks to omit clause (8) of Article 54 of the Legislative Diploma No. 645 dated 30-3-1933 so as to do away with the payment of 3% of the receipts by the Devasthanans to the Government for the funds of beneficence and education.

The Bill seeks to achieve the above object.

Financial Memorandum

The Financial Implication involves are as follows:—

- (1) Annual receipt of about Rs. 7,90,000/- from Devasthanans will be stopped.
- (2) Payment of pension to retired Devasthan clerks and peons which is presently paid through derramas/receipts will have to be borne from the Government funds.
- (3) Payment of salary and further pension, etc., to the only existing Devasthan clerk of Ponda Taluka will have to be borne from the Government funds.
- (4) General expenses that are incurred by the Mamlatdars on inspections, auctions, elections, etc. of the Devasthanans as Administrators will have to be borne from Government funds.
- (5) Creating of posts of clerks and peons at the four Talukas for assisting the Mamlatdar for administration of Devasthanans, in case of increase in workload of Devasthan matters.
- (6) As the derammas are collected exclusively for payment of Devasthan clerks and peons, and for expenses of devasthan related issues, the abolition of the same may not create any major burden on the State ex-chequer if the work of Devasthan sections is handled by the staff attached to Mamlatdar offices as how they are doing as on date.

The above Financial Implications were referred to the Finance (Expenditure) Department for concurrence. The Finance (Expenditure) Department have concurred this proposal vide No. 3802/F dated 22-04-2013.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa, Adv. FRANCIS D'SOUZA
Dated: 24th April, 2013. Minister for Revenue

Assembly Hall, N. B. SUBHEDAR
Porvorim-Goa. Secretary to the Legislative
Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Bharat Vir Wanchoo, Governor of Goa, hereby recommend the introduction and consideration of the Goa Legislative Diploma No. 645 dated 30-3-1933 (Amendment) Bill, 2013, by the Legislative Assembly of Goa.

ANNEXURE

Bill No. 11 of 2013

The Goa Legislative Diploma No. 645 dated 30-3-1933 (Amendment) Bill, 2013

Art. 54 — It shall be the duty of the Committee:

- 1) To tender declaration of honour before the administrator concerned;
- 2) To inform in writing, the Administrator of having taken charge of the administration of temple, on the same day when it may take place;
- 3) To retain, under joint responsibility of the members, the funds, jewels, ornaments, vessels, implements, clothes, the book of funds, important documents and, in general, any other things belonging to the temple;
- 4) To prepare annually, in the month of March, the budget of receipts and expenditure of the temple and to present it at the Office of Taluka (concelho) Administrator till 10th April, for its submission by the latter to the approval of Government;
- 5) To spend the funds of the temple with required safety, in conformity with and in the terms prescribed under Chapter IV of Title II of this Regulation;

- 6) To collect at the treasury counter the rents, the book-credits as well as those judged through the attorney of the Committee;
- 7) To pay the book-debts, legally verified with the prior authorization of this Administrator, the taxes or impositions that may be allotted to the body of members (mazania) for the expenditure of the Office of Taluka (concelho) Administrator, the salaries of the employees and servants, as well as all the expenses sanctioned or ordered by higher authorities;
- 8) To pay 3 per cent. of the receipts to State (Government) for the fund of beneficence and education, in terms of the law;
- 9) To have the records and book-keeping up-to-date and to render account of annual management, as laid down under this Regulation;
- 10) To reply within 10 days in the files that may be forwarded for its remarks or reply;
- 11) To carry into effect, in the part concerned, the decisions of the constituted authorities, to remark upon and satisfy their requisitions immediately;
- 12) To have under its inspection the books and the coffers of the temple, being answerable for any fault;
- 13) To send to the Office of Taluka (concelho) Administrator, quarterly the specified note or balance of the financial position of the coffer.

Para — The properties of the manager shall become legally mortgaged for the guarantee of deficits settled in balance at the audit proceedings, of any defalcation or losses arising from omissions in which they may be found.

Assembly Hall, N. B. SUBHEDAR
Porvorim-Goa. Secretary to the Legislative
24th April, 2013. Assembly of Goa.

LA/LEGN/2013/311

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 25th April, 2013 is hereby published for general information in pursuance of Rule-138 of the rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Cess on Products and
Substances Causing Pollution
(Green Cess) Bill, 2013

(Bill No. 12 of 2013)

A

BILL

to provide for levy and collection of cess on the products and substances including hazardous substances, which upon their handling or consumption or utilization or combustion or movement or transportation causes pollution of the lithosphere, atmosphere, biosphere, hydrosphere and other environmental resources of the State of Goa, under the concept of "polluter pays principle", and also to provide for measures to reduce the carbon footprint left due to such activities and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Cess on Products and Substances Causing Pollution (Green Cess) Act, 2013.

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

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

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

(a) "cess" means the cess leviable under the provisions of this Act;

(b) "competent authority" means a competent authority appointed under section 3 of this Act;

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

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

(e) "products" means those products which upon their handling, consumption, utilization, combustion or movement or transportation causes pollution of the lithosphere, atmosphere, biosphere, hydrosphere and other environmental resources and causes emission of carbon dioxide and other green house gases or discharge other types of effluents and includes asphalts, automotive gasolines, fuel oils, kerosene, lubricants, naphthas, waxes, other hydrocarbon compounds including mixtures and products obtained from crude oil and natural gas processing and such other products which the Government may, by notification in the Official Gazette, specify for the purpose of this Act;

(f) "Official Gazette" means the Official Gazette of the Government;

(g) "substances" means substances which may upon their handling or consumption or utilization or combustion or movement or transportation, causes pollution of the lithosphere, atmosphere, biosphere, hydrosphere and other environmental resources and causes emission of carbon dioxide and other green house gases or discharge other types of effluents and includes carbon products, coke, coal, chemicals and chemical products, hazardous substances and such other substances which the Government may, by notification in the Official Gazette, specify for the purpose of this Act.

3. *Appointment of Competent Authority.*—

(1) The Government may, by notification in the Official Gazette, appoint any person to be the competent authority under this Act and appoint as many competent authorities as may be required and assign to them such areas as may be specified in such notification.

(2) The competent authorities shall perform such functions and discharge such duties as may be prescribed.

4. *Levy and collection of cess.*— (1) There shall be levied and collected a cess at such rates as may be specified by the Government

by a notification in the Official Gazette, not exceeding two percent of the sale value of the products and/or substances, the handling, utilization, consumption, combustion, transportation or movement, of which, by any means, causes pollution within the State of Goa, from every person carrying out any of the above activities.

(2) The cess shall be assessed, levied and collected in such manner, as may be prescribed.

(3) The cess levied under this Act shall be in addition to any other cess, taxes, charges, duties, permission fees, license fees or any other fees payable under any other law for the time being in force.

5. *Crediting proceeds and utilization of cess.*— The proceeds of the cess collected under section 4 shall be credited to the Consolidated Fund of the State of Goa and shall be utilized for undertaking the measures to reduce the carbon footprint, by means of such programmes or schemes as may be decided by the Government.

6. *Constitution of Environmental and Energy Audit Bureau.*— (1) In order to identify sensitive areas of energy and environmental conservation and to recommend appropriate measures and solutions for reducing carbon footprint, and to suggest measures for deriving benefits under carbon credit trading and related matters in the State of Goa, the Government shall establish an Environmental and Energy Audit Bureau by notification in the Official Gazette.

(2) The composition of, procedure to be followed by, and functions of the Environmental Energy Audit Bureau, shall be such as may be prescribed.

7. *Penalties.*— Whosoever fails to pay the cess levied under the provisions of this Act shall be punished with a fine not exceeding rupees one lakh:

Provided that, pending the payment of such cess and fine, the defaulter shall be prevented

by the competent authority in dealing with products and/or substances in any manner until the payment of cess and fine is made.

8. *Power of the Government to exempt or reduce cess.*— The Government may, if in its opinion, it is necessary in public interest so to do, by notification in the Official Gazette and subject to such restrictions and conditions and for such period as may be specified in such notification, exempt or reduce, either prospectively or retrospectively, the cess payable under this Act, by any specified class of persons or in respect of any products or substances.

9. *Other Laws not affected.*— The provisions of this Act are in addition to and not in derogation of the provisions of any other law for the time being in force.

10. *Jurisdiction of courts barred.*— No Court shall have jurisdiction in respect of any matter in relation to which the competent authority or any other person authorized by the competent authority is empowered by or under this Act to exercise any power, and no injunction shall be granted by any Civil Court in respect of anything which is done or intended to be done by or under this Act.

11. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against the competent authority or any other person authorized by the competent authority for anything which is done or intended to be done in good faith under this Act or any rule made thereunder.

12. *Bar of suits and prosecutions.*— No suit, prosecution or other proceedings shall lie against the Government or any officer of the Government, or against any other person appointed under this Act, for any act done or purported to be done under this Act, without the previous sanction of the Government.

13. *Power to issue directions.*— The Government may, by general or special order, issue such directions as it may deem necessary in respect of matters not provided for in this Act and not inconsistent therewith.

14. *Powers to make rules.*— (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa.

15. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary or expedient for removing such difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa.

Statement of Objects and Reasons

Due to various anthropogenic activities in State of Goa and due to the handling, consumption, utilization, combustion, movement or transportation of various types of products and substances, is causing pollution to the lithosphere, atmosphere, biosphere, hydrosphere and other environmental resources of the State of Goa by emission of carbon dioxide and other green house gases or discharge of other types of effluents.

There are various products and substances including hazardous substances, imported in the State of Goa through various sources and destinations, like the port etc., and thereafter transported to neighbouring States for utilisation, consumption, etc. The State of Goa becomes a receiving and a transit point and the transportation of these products and substances is done either through rail or by road. Whereas, some of the products and substances imported are not of major concern

as far as the environmental effect is concerned, but some other products and substances cause environmental pollution due to discharge and emission of green house gases and effluents during handling, transportation, and movement in the State of Goa.

Over a period of time, such emissions and discharge of effluents has left the carbon footprint in the State of Goa, and measures have to be taken to identify sensitive areas of energy and environmental conservation and take such appropriate measures and solution for reducing carbon footprint.

The Bill seeks to provide for levy and collection of cess on the products and substances including hazardous substances, which upon their handling or consumption or utilisation or transportation or combustion or movement causes pollution of the lithosphere, atmosphere, biosphere, hydrosphere and other environmental resources of the State of Goa under the concept of “polluter pays principle” and also to provide for measures to reduce the carbon footprint left due to such activities.

This Bill seeks to achieve the above objects.

Financial Memorandum

The Bill provides for establishment of Environmental and Energy Audit Bureau in order to identify sensitive areas of energy and environmental conservation and to recommend appropriate measures and solutions for reducing carbon footprint, and to suggest measures for deriving benefits under carbon credit trading and related matters in the State of Goa. The revenue for operation of this Bureau shall be generated from the cess to be imposed on the value of products and/or substances. The Bill aims at generating additional revenue to the Government which will be utilised to defray the expenses towards various programmes or schemes to be implemented by the Government in order to fulfil the objects of the Bill.

Memorandum Regarding Delegated Legislation

These delegations are of normal character.

Clause 1 (3) of the Bill empowers the Government to appoint a date, by notification in the Official Gazette, for bringing the Act into force.

Porvorim, Goa.
24th April, 2013.

MANOHAR PARRIKAR
Minister for Science &
Technology

Clause 3 (1) of the Bill empowers the Government to prescribe by way of rules the functions and duties of Competent Authority.

Assembly Hall,
Porvorim, Goa.
24th April, 2013.

N. B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

Clause 4 (1) of the Bill empowers the Government to specify the rate of cess by notification in the Official Gazette.

Governor's Recommendation under Article 207 of the
Constitution of India

In pursuance of the Article 207 of the Constitution of India, I, Shri Bharat Vir Wanchoo, Governor of Goa, hereby recommend the introduction and consideration of the Goa Cess on Products and Substances Causing Pollution (Green Cess) Bill, 2013 (Bill No. 12 of 2013) by the Legislative Assembly.

Clause 4 (2) of the Bill empowers the Government to frame rules prescribing the manner of assessment, levy and collection of cess.

Governor of Goa

Clause 6 (1) of the Bill empowers the Government to establish, by Notification in the Official Gazette, the Environmental and Energy Audit Bureau.

LA/LEGN/2013/312

Clause 6 (2) of the Bill empowers the Government to prescribe by way of rules the composition of procedure to be followed by and functions of the Environmental Energy Audit Bureau.

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 25th April, 2013 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

Clause 7 of the Bill empowers the Government to prescribe by way of rules the fine.

The Goa Land Revenue Code
(Amendment) Bill, 2013

(Bill No. 13 of 2013)

Clause 8 of the Bill empowers the Government to issue notification in the Official Gazette exempting or reducing the cess.

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BILL

Clause 13 of the Bill empowers the Government to make orders for issuing directions in respect of matters not provided for in the Act and not inconsistent therewith.

*further to amend the Goa Land Revenue Code,
1968 (Act 9 of 1969).*

Clause 14 of the Bill empowers the Government to frame rules for carrying out to purposes of the Act.

Be it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India, as follows:—

Clause 15 of the Bill empowers the Government to make orders for removing any doubt or difficulties.

1. *Short title and commencement.*— (1) This Act may be called the Goa Land Revenue Code (Amendment) Act, 2013.

(2) It shall come into force at once.

2. *Amendment of section 32.*— In section 32 of the Goa Land Revenue Code, 1968 (Act 9 of 1969) (hereinafter referred to as the “Principal Act”),—

(i) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) If the person fails to inform the Mamlatdar, within the period specified in sub-section (4), he shall be liable to pay, in addition to the non-agricultural assessment, such fine as the Government may, by notification in the Official Gazette, specify, from time to time.”;

(ii) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) (i) For the purpose of conversion, the land in the State of Goa shall be categorized as below:—

“A” Category: Coastal Panchayat areas and areas of five major towns, such as, Panaji, Mapusa, Ponda, Vasco and Margao;

“B” Category: Census Towns areas and areas of village panchayats adjoining said five major towns and other Municipal areas;

“C” Category: Other Village Panchayat areas.

(ii) When the land is permitted to be used from one purpose to another, a sanad shall be granted to the holder thereof in the prescribed form, on payment of the fees hereinbelow:—

- (a) “A” Category areas: Double the rate specified in Table below.
- (b) “B” Category areas: 1.5 times of the rate specified in Table below.
- (c) “C” Category areas: As specified in Table below.

TABLE

Category	500 square metres and less	Above 500 square metres but upto 2000 square metres	Above 2000 square metres
(1)	(2)	(3)	(4)
(i) Residential	S1 - ₹ 60/- S2 - ₹ 45/- S3 - ₹ 35/- S4 - ₹ 25/-	1.5 times extra as mentioned in column (2)	Double the amount as mentioned in column (2)
(ii) Commercial	C1 - ₹ 250/ C2 - ₹ 200/ C3 - ₹ 150/- C4 - ₹ 100/-	1.5 times extra as mentioned in column (2)	Double the amount as mentioned in column (2)
(iii) Industry	₹ 50/-	1.5 times extra as mentioned in column (2)	Double the amount as mentioned in column (2)

Provided that no such fees shall be leviable in cases where sanad is granted for the purpose of churches, temples, mosque, gurudwaras:

Provided further that when the land to be used for the purpose of sports, health, education, charitable or cultural institutions, the Government may, by notification in the Official Gazette, exempt from payment of said fees.”

3. *Amendment of section 33.*— In section 33 of the Principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where the land has been used for dumping mining rejects or like material without permission, the Government may impose such fine as may be prescribed”.

4. *Amendment of section 40.*— In section 40 of the Principal Act, in sub-section (2) the following proviso shall be inserted, namely:—

“Provided that in case the land is unauthorizedly occupied for the purpose of dumping mining rejects or like material, the Collector shall proceed to remove such unauthorized occupation”.

5. *Amendment of Section 61.*— In section 61 of the Principal Act, in sub-section (3), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that nothing in this sub-section shall apply to any land acquired under the Land Acquisition Act, 1894 (Central Act 1 of 1894), and the Director of Settlement and Land Records shall carry out partition within six months of the receipt of mutated land index form from the concern Mamlatdar and effect necessary changes in the land record on the basis of records relating to possession obtained under section 16 of the Land Acquisition Act, 1894 (Central Act 1 of 1894)”.

6. *Amendment of Section 62.*— In section 62 of the Principal Act, the following proviso shall be inserted, namely:—

“Provided that whenever an application is received for partition of any land having an area exceeding 4,000 square meters, approval from Town and Country Planning Department of the Government shall be obtained:

Provided further that in case the sub-division of the plot applied for is based on Will, Inheritance, or Partition within the family, above said approval is not required.

Explanation: For the purposes of this section, the ‘family’ means and includes the blood relation either from maternal or paternal side.”.

7. *Amendment of section 96.*— In section 96 of the Principal Act,—

(i) for the expression “the Mamlatdar of Taluka, and upon receipt of such report, he shall proceed to dispose such case as prescribed:”, the following shall be substituted, namely:—

“the Mamlatdar of Taluka alongwith fee as mentioned herein below, and upon receipt of the same, he shall proceed to dispose such case as prescribed:—

(a) for parcel of property upto ₹ 400/-
1,000 square meters

(b) for parcel of property above ₹ 1,000/-
1,000 square meters and upto
10,000 square meters

(c) for every parcel of property ₹ 2,000/-”;
10,000 square meters or part
thereof, above 10,000 square
meters

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

“Provided that no such fee shall be payable where the right to the land is acquired under,—

(i) the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964); or

(ii) the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976).”.

8. *Insertion of new section 97.*— After section 96 of the Principal Act, the following new section shall be inserted, namely:—

“97.— *Acquisition of the rights by the Government.*— Notwithstanding anything contained in any Judgment, Order, Interim Order, or pending proceeding before any court or the like, the Mamlatdar of the taluka shall, within a period of fifteen days from receipt of records relating to possession obtained under Section 16 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), mutate the relevant survey record in favour of the acquiring Department of the Government mentioned in the Award, without following the procedure as envisaged under section 96, and submit a copy of the mutated land index form to the Director of Settlement and Land Records for carrying out partition of the said property.”.

Statement of Objects and Reasons

The Bill seeks to amend section 32 of the Goa Land Revenue Code, 1968 (Act 9 of 1969) (hereinafter called as the "said Act"), so as to specify fee for conversion of use of land from one purpose to another, as per the location of land.

The Bill further seeks to amend section 33 of the said Act, so as to impose fine for using land for dumping mining rejects or like material without permission.

The Bill also seeks to amend section 40 of the said Act, so as to empower the Collector to remove unauthorized occupation of the land.

The Bill also seeks to amend section 61 of the said Act, so as to facilitate partition and mutation of land acquired by the Government.

The Bill also seeks to amend section 62 of the said Act, so as to obtain the approval of the Town and Country Planning Department of the Government whenever partition of land exceeding 4,000 sq. mts. is to be undertaken.

The Bill also seeks to amend section 96 of the said Act, so as to provide that the fee for mutation paid while making an application to the Mamlatdar. The Bill also seeks to enhance the said fees.

The Bill also seeks to insert a new section 97 in the said Act, so as to empower the Mamlatdar of Taluka to carry out mutation in respect of land acquired under the Land Acquisition Act, 1894.

The Bill seeks to achieve the above Objects.

Financial Memorandum

No Financial Implications are involved in this Bill, however it would generate additional revenue.

Memorandum Regarding Delegated Legislation

Clause 2 of the Bill empowers the Government to specify by Notification in the

Official Gazette the fine to be imposed on the person who fails to inform the Mamlatdar about the commencement of the change of the user of the land.

Clause 3 of the Bill empowers the Government to frame Rules to specify the fine to be imposed on the person using the land for dumping mining rejects or like material without obtaining the permission.

These delegations are of normal character.

Porvorim, Goa.
24th April, 2013.

FRANCIS D'SOUZA
Dy. Chief Minister &
Minister for Revenue

Assembly Hall,
Porvorim, Goa.
24th April, 2013.

NILKANTH SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

Governor's Recommendation under Article 207
of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Bharat Vir Wanchoo, Governor of Goa, hereby recommend the introduction and consideration of the Goa Land Revenue Code (Amendment) Bill, 2013 by the Legislative Assembly of Goa.

ANNEXURE

Bill No. 13 of 2013

The Goa Land Revenue Code
(Amendment) Bill, 2013

The Goa Land Revenue Code, 1968
(Act No. 9 of 1969)

Section 32 (5) If the person fails to inform the Mamlatdar within the period specified in sub-section (4), he shall be liable to pay in addition to the non-agricultural assessment such fine as the Collector may, subject to rules made in this behalf, direct but not exceeding five hundred rupees.

Section 32 (6) When the land is permitted to be used for a non-agricultural purpose, a sanad shall be granted to the holder thereof in the prescribed form, on payment of fees at the following rates, namely:—

(i) Personal housing	Rs. 20/- per square metre.	rules made by the Government in this behalf, direct;
(ii) Commercial/Industrial housing		(iii) to restore the land to its original use or to observe the conditions on which the permission is granted within such reasonable period as the Collector may by notice in writing direct; and such notice may require such person to remove any structure, to fill up any excavation or to take such other steps as may be required in order that the land may be used for its original purpose or that the conditions may be satisfied.
C 1-200 FAR	Rs. 100/- per square metre.	
C 2-150 FAR	Rs. 80/- per square metre.	
S 1-100 FAR	Rs. 60/- per square metre.	
S 2-80 FAR	Rs. 40/- per square metre.	
I 2-80 FAR	Rs. 40/- per square metre.	
(iii) Commercial/Industrial housing in C1-200 FAR under 'A' class Municipalities and Coastal Areas	Rs. 150/- per square metre.	
(b) Commercial/Industrial housing in C2-150 FAR under 'A' class Municipalities and Coastal Areas	Rs. 120/- per square metre.	Section 40 (2) The Collector shall serve a notice on such person requiring him within such time as may appear reasonable after receipt of the said notice to vacate the land, and if such notice is not obeyed, the Collector may remove him from such land.
(iv) For any constructions—		Section 61 (3) Subject to the provisions of sub-section (4), the Collector may, after hearing the co-holders, divide the holding and apportion the assessment of the holding in accordance with the rules made by the Government under this Code:
(a) in Coastal villages falling within 500 metres from HTL	Rs. 150/- per square metre.	
(b) beyond 500 metres from HTL	Rs. 80/- per square metre:	

Provided that no such fees shall be leviable in cases where sanad is granted—

(i) for an area not exceeding two hundred square metres;

(ii) for the purpose of churches, temples, mosques, gurudwaras, sports, hospitals or educational, charitable, cultural or religious institutions.

33. Penalty for so using land without permission.—

(1) If any land held or assessed for one purpose is used for another purpose without obtaining permission of the Collector under section 32 or before the expiry of the period after which the change of user is deemed to have been granted under that section, or in contravention of any of the terms and conditions subject to which such permission is granted, the holder thereof or other person claiming through or under him, as the case may be, shall be liable to the one or more of the following penalties, that is to say,—

(i) to pay non-agricultural assessment on the land with reference to the altered use;

(ii) to pay such fine not exceeding the market value of the land as the Collector may, subject to

Provided that nothing in this sub-section shall apply to any land acquired under the Land Acquisition Act, 1894 (Central Act 1 of 1894), in respect of which no suit is pending in any Court and it shall be lawful for the Director of Settlement and Land Records to carry out partition and effect necessary changes in the land record on the basis of records relating to possession obtained under section 16 of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

62. *Division of survey numbers into new survey numbers.*— Where any portion of cultivable land is permitted to be used under the provisions of this Code for any non-agricultural purpose or when any portion of land is specially assigned under section 18, or when any assessment is altered or levied on any portion of land under sub-section (2) of section 51, such portion may, with the sanction of the Collector, be made into a separate survey number at any time.

Section 96. Acquisition of rights to be reported.—

Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, mortgagee, landlord, tenant or Government lessee of any land, shall report in writing his acquisition of such right to the Mamlatdar of Taluka, and upon receipt of such report, he shall proceed to dispose such case as prescribed:

Provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified and fee as mentioned hereinbelow is paid.

- | | |
|---|----------------|
| (i) for parcel of property upto 1,000 square meters | ... Rs. 200/- |
| (ii) for parcel of property above 1,000 square meters and upto 10,000 square meters | ... Rs. 500/- |
| (iii) for every parcel of property above 10,000 square meters | ...Rs. 1,000/- |

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the Mamlatdar of Taluka.

Explanation I.— The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882 (Central Act 4 of 1882).

Explanation II.— A person in whose favour a mortgage is discharged or extinguished, or lease determined, acquires a right within the meaning of this section.

Explanation III.— For the purpose of this Chapter the term “Mamlatdar of Taluka” includes Joint Mamlatdar; and in case of City Survey Records, the Inspector of Surveys and Land Records.

Assembly Hall,
Porvorim, Goa.
24th April, 2013.

N. B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

LA/LEGN/2013/313

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 25th April, 2013 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Bill, 2013

(Bill No. 16 of 2013)

A

BILL

further to amend the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 (Act 7 of 1974).

Be it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Act, 2013.

(2) It shall come into force at once.

2. *Amendment of Schedule.*— In the Schedule appended to the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 (Act 7 of 1974), in clause (1), in sub-clause (a),

(i) for items (i) to (iv), the following items shall be respectively substituted, namely:—

“(i) Vehicles permitted to ply as stage carriages — Rupees fifty, per seat, per month, for the vehicles registered in the State of Goa.

Explanation.— Where stage carriage is permitted to carry standing passengers, one third of fee per seat referred to in item (i) shall also be payable in respect of each of the standing passengers aforesaid as if seating accommodation had been provided for them.

(ii) Vehicles permitted to ply as contract carriages — One hundred rupees, per seat, per month for the vehicle registered in the State of Goa and rupees three hundred, per seat, for the vehicles registered in a State other than the State of Goa, for one round trip.

(iii) Vehicles in respect of which permits have been issued under section 88(9) of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), registered in the State of Goa,

(A) for bus:— Rupees two hundred fifty per seat, per month.

(B) for maxi cabs:— Rupees one hundred, per seat, per month.

(C) for bus (sleeper coach):— Rupees three hundred, per passenger, per month.

(iv) Vehicles in respect of which permits have been issued under section 88(9) of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), registered in a State other than the State of Goa and plying in the State of Goa,

(A) for bus:— Rupees six hundred, per seat, per month.

(B) for maxi cabs:— Rupees three hundred, per seat, per month.

(ii) after item (iv), the following items shall be inserted, namely:—

“(v) Vehicles in respect of which permits have been issued under section 88(8) of the Motor Vehicles Act, 1988 (Central Act 59 of 1988)/(special permit) registered in a State other than the State of Goa and plying in the State of Goa,

(A) for bus and maxi cabs:— Rupees one hundred fifty, per seat, for single return trip.

(B) for bus (sleeper coach):— Rupees three hundred, per passenger, for single return trip.

(vi) Vehicles in respect of which counter-signatures of permits have been granted under section 88(4) of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), registered in a State other than the State of Goa and plying in the State of Goa,

for bus or mini bus:— Rupees one thousand two hundred, per seat, per month.”.

Statement of Objects and Reasons

The Bill seeks to amend the Schedule appended to the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 (Act 7 of 1974), so as to specify/revise rates of composition fee in respect of following vehicles:—

(i) Vehicles registered in the State of Goa and **permitted to ply as stage carriages;**

(ii) Vehicles registered in the State of Goa and vehicles registered in a State other than the State of Goa and **permitted to ply as contract carriages;**

(iii) **Bus, maxi cabs and bus (sleeper coach)** that are registered in the State of Goa and permits have been issued under section 88(9) of the Motor Vehicles Act, 1988 (Central Act 59 of 1988);

(iv) **Bus and maxi cabs** registered in a State other than the State of Goa and plying in the State of Goa and permits have been issued under section 88(9) of the Motor Vehicles Act, 1988 (Central Act 59 of 1988);

(v) **Bus, maxi cabs and bus (sleeper coach)** that are registered in a State other than the State of Goa and plying in the State of Goa and permits have been issued under Section 88(8) of the Motor Vehicles Act, 1988 (Central Act 59 of 1988)/(special permit), for single return trip;

(vi) **Bus or mini bus** that are registered in a State other than the State of Goa and plying in the State of Goa and counter signatures of permits have been issued under section 88(4) of the Motor Vehicles Act, 1988 (Central Act 59 of 1988).

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill. However, amendments proposed in the Bill would result in an additional revenue collection of Rs. 2.00 crores per annum approximately.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim, Goa. Shri RAMKRISHNA alias
24th April, 2013. SUDIN DHAVALIKAR
Minister for Transport

Assembly Hall, (N. B. SUBHEDAR)
Porvorim-Goa. Secretary to the
24th April, 2013. Legislative Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Bharat Vir Wanchoo, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Bill, 2013 by the Legislative Assembly of Goa.

Governor of Goa

LA/LEGN/2013/314

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 25th April, 2013 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Motor Vehicles Tax (Amendment) Bill, 2013

(Bill No. 17 of 2013)

A

BILL

further to amend the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act No. 8 of 1974).

Be it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Motor Vehicles Tax (Amendment) Act, 2013.

(2) It shall come into force at once.

2. *Amendment of section 3-A.*— In the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act No. 8 of 1974) (hereinafter referred to as the "principal Act"), in section 3-A, for the "TABLE", the following "TABLE" shall be substituted, namely:—

"TABLE"

Sr. No.	Class and age of the vehicle	Rate of cess in rupees
(1)	(2)	(3)
(1)	Vehicle which has completed 15 years from the date of its initial registration, at the time of renewal of Certificate of Registration as per sub-section (10) of section 41 or at the time of renewal of fitness certificate issued under section 56 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), as the case may be,—	
(a)	Motor cycle	Rs. 1,000/-
(b)	Auto Rickshaw	Rs. 1,200/-
(c)	Light Motor Vehicle	Rs. 1,600/-
(d)	Light Commercial Vehicle	Rs. 2,000/-
(e)	Medium Motor Vehicle	Rs. 2,400/-
(f)	Heavy Motor vehicle	Rs. 4,000/-

3. *Amendment of section 3-B.*— In section 3-B of the principle Act, for the figures "10,000/-", "30,000/-" and "50,000/-", the figures "12,000/-", "40,000/-" and "75,000/-", shall be respectively substituted.

4. *Substitution of Schedule.*— For the Schedule appended to the principal Act, the following Schedule shall be substituted, namely:—

"SCHEDULE PART 'A' SCHEDULE OF TAXATION (See section 3)		Class of Motor Vehicles	Maximum Annual Rate of tax in Rs.
			annual tax, at the time of registration.
Class of Motor Vehicles	Maximum Annual Rate of tax in Rs.		
(A) Motor Vehicles fitted solely with pneumatic tyres:—		(i) exceeds 8,000 kgs. but does not exceed 9,000 kgs.	Rs. 4,600/- as annual tax, or Rs. 32,200/- as one-time tax in lieu of annual tax, at the time of registration.
(I) Motor cycles and tricycles: (including motor scooters and cycles with attach- ment for propelling the same by mecha- nical power:—		(j) exceeds 9,000 kgs. but does not exceed 10,000 kgs.	Rs. 4,900/- as annual tax, or Rs. 34,300/- as one-time tax in lieu of annual tax, at the time of registration.
Motor cycle used for hire	Rs. 150/-	(k) exceeds 10,000 kgs. but does not exceed 11,000 kgs.	Rs. 5,300/- as annual tax, or Rs. 37,100/- as one-time tax in lieu of annual tax, at the time of registration.
(II) Goods vehicles belon- ging to individual other than Company/Insti- tution/Corporation/ /etc., of which the gross vehicle weight,—		(l) exceeds 11,000 kgs. but does not exceed 12,000 kgs.	Rs. 5,800/- as annual tax, or Rs. 40,600/- as one-time tax in lieu of annual tax, at the time of registration.
(a) is upto 1,000 kgs.	Rs. 5,600/- as one-time tax at the time of registration.	(m) exceeds 12,000 kgs. but does not exceed 13,000 kgs.	Rs. 6,100/- as annual tax, or Rs. 42,700/- as one-time tax in lieu of annual tax, at the time of registration.
(b) exceeds 1,000 kgs. but does not exceed 2,000 kgs.	Rs. 12,600/- as one-time tax at the time of registration.	(n) exceeds 13,000 kgs. but does not exceed 14,000 kgs.	Rs. 6,400/- as annual tax, or Rs. 44,800/- as one-time tax in lieu of annual tax, at the time of registration.
(c) exceeds 2,000 kgs. but does not exceed 3,000 kgs.	Rs. 15,400/- as one-time tax at the time of registration.	(o) exceeds 14,000 kgs. but does not exceed 15,000 kgs.	Rs. 6,900/- as annual tax, or Rs. 48,300/- as one-time tax in lieu of annual tax, at the time of registration.
(d) exceeds 3,000 kgs. but does not exceed 4,000 kgs.	Rs. 18,900/- as one-time tax at the time of registration.	(p) exceeds 15,000 kgs. but not exceed kgs or part thereof in excess of 16,000 kgs.	Rs. 7,500/- as annual tax, or Rs. 52,500/- as one-time tax in lieu of annual tax, at the time of registration.
(e) exceeds 4,000 kgs. but does not exceed 5,000 kgs.	Rs. 21,700/- as one-time tax at the time of registration.	(q) exceeds 16,000 kgs. for every 1,000 kgs. or part thereof in excess of 16,000 kgs.	Rs. 400/- as annual tax, or Rs. 2,800/- as one- time tax in lieu of annual tax, at the time of registration.
(f) exceeds 5,000 kgs. but does not exceed 6,000 kgs.	Rs. 25,200/- as one-time tax at the time of registration.		
(g) exceeds 6,000 kgs. but does not exceed 7,000 kgs.	Rs. 27,300/- as one-time tax at the time of registration.		
(h) exceeds 7,000 kgs. but does not exceed 8,000 kgs.	Rs. 4,100/- as annual tax or Rs. 28,700/- as one-time tax in lieu of		

Class of Motor Vehicles	Maximum Annual Rate of tax in Rs.	Class of Motor Vehicles	Maximum Annual Rate of tax in Rs.
(III) Goods vehicles not covered under clause II of which the gross vehicle weight:—			annual tax, at the time of registration.
(a) does not exceed 1,000 kgs.	Rs. 7,000/- as one-time tax at the time of registration.	(m) exceeds 12,000 kgs. but does not exceed 13,000 kgs.	Rs. 7,625/- as annual tax or Rs. 53,375/- as one-time tax in lieu of annual tax, at the time of registration.
(b) exceeds 1,000 kgs. but does not exceed 2,000 kgs.	Rs. 14,000/- as one-time tax at the time of registration.	(n) exceeds 13,000 kgs. but does not exceed 14,000 kgs.	Rs. 8,000/- as annual tax or Rs. 56,000/- as one-time tax in lieu of annual tax, at the time of registration.
(c) exceeds 2,000 kgs. but does not exceed 3,000 kgs.	Rs. 17,500/- as one-time tax at the time of registration.	(o) exceeds 14,000 kgs. but does not exceed 15,000 kgs.	Rs. 8,625/- as annual tax or Rs. 60,375/- as one-time tax in lieu of annual tax, at the time of registration.
(d) exceeds 3,000 kgs. but does not exceed 4,000 kgs.	Rs. 21,000/- as one-time tax at the time of registration.	(p) exceeds 15,000 kgs. but does not exceed 16,000 kgs.	Rs. 9,375/- as annual tax or Rs. 65,625/- as one-time tax in lieu of annual tax, at the time of registration.
(e) exceeds 4,000 kgs. but does not exceed 5,000 kgs.	Rs. 23,800/- as one-time tax at the time of registration.	(q) exceeds 16,000 kgs. for every 1,000 kgs. or part thereof in excess of 16,000 kgs.	Rs. 800/- as annual tax or Rs. 5,600/- as one-time tax in lieu of annual tax, at the time of registration.
(f) exceeds 5,000 kgs. but does not exceed 6,000 kgs.	Rs. 28,000/- as one-time tax at the time of registration.	(IV) Goods vehicles carrying mineral ore.	Rates shown in clause II and III above, as the case may be, plus 20 percent.
(g) exceeds 6,000 kgs. but does not exceed 7,000 kgs.	Rs. 30,100/- as one-time tax at the time of registration.	(V) Taxis and Auto Rickshaws:	
(h) exceeds 7,000 kgs. but does not exceed 8,000 kgs.	Rs. 5,125/- as annual tax or Rs. 35,875/- as one-time tax in lieu of annual tax, at the time of registration.	Taxis –	
(i) exceeds 8,000 kgs. but does not exceed 9,000 kgs.	Rs. 5,750/- as annual tax or Rs. 40,250/- as one-time tax in lieu of annual tax, at the time of registration.	(a) upto 3 seaters	Rs. 300/-
(j) exceeds 9,000 kgs. but does not exceed 10,000 kgs.	Rs. 6,125/- as annual tax or Rs. 42,875/- as one-time tax in lieu of annual tax, at the time of registration.	(b) upto 4 seaters	Rs. 350/-
(k) exceeds 10,000 kgs. but does not exceed 11,000 kgs.	Rs. 6,625/- as annual tax or Rs. 46,375/- as one-time tax in lieu of annual tax, at the time of registration.	(c) upto 5 seaters	Rs. 400/-
(l) exceeds 11,000 kgs. but does not exceed 12,000 kgs.	Rs. 7,250/- as annual tax or Rs. 50,750/- as one-time tax in lieu of	For every additional seat upto a maximum of 7 seats	Rs. 50/-
		(d) Non-A/c All India Tourist Taxis, per seat	Rs. 125/-
		(e) All India Tourist Taxis (A/c) per seat	Rs. 200/-
		Auto Rickshaws —	
		auto Rickshaws upto 2 seats used for hire	Rs. 110/-
		for every additional seat	Rs. 50/-

Class of Motor Vehicles	Maximum Annual Rate of tax in Rs.	Class of vehicles	Two Wheelers	Four Wheelers and above
(VI) Passenger vehicles:		registration and for assignment of new Registration Mark, when it's age from the date of registration is,—		
(a) upto 18 seats	Rs. 1,800/-			
(b) for every additional seat over 18 seats	Rs. 100/-			
(c) for every passenger (other than seated passenger) which the vehicle is permitted to carry	Rs. 50/-			
<i>Explanation:—</i> In clause V and clause VI above, the seating capacity is to be determined exclusive of the driver's seat.				
(VII) Additional tax payable in respect of motor vehicles used for drawing trailers.			Percentage on Rate of tax specified in PART A	
(a) for each trailer when it is used for the carriage of goods	At the rates specified in clause II or clause III of item (A) in respect of motor vehicles used for carriage of goods or material.	(a) not more than two years	95%	95%
(b) for each trailer when it is used for the carriage of passengers	At the rates specified in clause VI of item A in respect of motor vehicles plying for hire and used for the carriage of passengers.	(b) more than two years but not more than three years	90%	90%
(B) Motor Vehicles other than those fitted with pneumatic tyres	The rates shown in item A plus 50 percent.	(c) more than three years but not more than four years	85%	85%
(C) Dealers in, or manufacturers of Motor Vehicles:		(d) more than four years but not more than five years	80%	80%
(a) General licence in respect of each vehicle	Rs. 200/-	(e) more than five years but not more than six years	75%	75%
		(f) more than six years but not more than seven years	70%	70%
		(g) more than seven years but not more than eight years	65%	65%
		(h) more than eight years but not more than nine years	60%	60%
		(i) more than nine years but not more than ten years	55%	55%
		(j) more than ten years but not more than eleven years	50%	50%
		(k) more than eleven years but not more than twelve years	45%	45%
		(l) more than twelve years but not more than thirteen years	40%	40%
		(m) more than thirteen years but not more than fourteen years	35%	35%
		(n) more than fourteen years but not more than fifteen years	30%	30%
		(o) more than fifteen years	20%	20%
		(B) At the time of registration of new vehicle:		
		(1) Motor cycle/Motor scooter/ /Auto rickshaw irrespective of its horse power, whose cost is upto Rs. 2.00 lakhs	8% of the cost of the Motor cycle/ /Motor scooter	
		(2) Motor cycle irrespective of its horse power, whose cost is above Rs. 2.00 lakhs	12% of the cost of the Motor cycle	
		(3) Tricycle for every 25 kgs –weight or part thereof	Rs. 150/-	
		(4) Motor vehicles belonging to the individuals	(i) 8% of the cost of the vehicle, where cost of	

PART 'B'

SCHEDULE OF TAXATION
(See section 3)

Class of vehicles	Two Wheelers	Four Wheelers and above
(A) If the vehicle is already registered in any other State, at the time of re-		

Class of vehicles	Two Wheelers	Four Wheelers and above	
		vehicle does not exceed Rs. 6 lakhs.	(iii) 14% of the cost of the vehicle, where cost of vehicle exceeds Rs. 10 lakhs but does not exceed Rs. 25 lakhs.
		(ii) 9% of the cost of the vehicle, where cost of vehicle exceeds Rs.6 lakhs but does not exceed Rs. 10 lakhs.	(iv) 16% of the cost of the vehicles, where cost of vehicle exceeds Rs. 25 lakhs.
		(iii) 10% of the cost of the vehicle, where cost of vehicle exceeds Rs. 10 lakhs.	
(5) Motor vehicles belonging to the partnership firm and limited companies with share capital of less than Rs. 50 lakhs	(i) 9% of the cost of the vehicle, where cost of vehicle does not exceed Rs. 6 lakhs.	(ii) 10% of the cost of the vehicle, where cost of vehicle exceeds Rs. 6 lakhs but does not exceed Rs. 10 lakhs.	
		(iii) 12% of the cost of the vehicle, where cost of vehicle exceeds Rs. 10 lakhs.	
(6) Any other motor vehicle not covered under clauses (4) and (5).	(i) 10% of the cost of the vehicle, where cost of vehicle does not exceed Rs. 6 lakhs.	(ii) 12% of the cost of the vehicle, where cost of vehicle exceeds Rs. 6 lakhs but does not exceed Rs. 10 lakhs.	

PART 'C'

SCALE OF REFUND

(See section 9)

Schedule indicating refund for two wheelers, four wheelers and above irrespective of the cost of the vehicle in respect of which life time tax is paid on or after 01-04-1997.

If, after registration, cancellation of registration or removal of vehicles (two wheelers, four wheelers and above) to any other State or Union Territory on account of transfer of ownership or change of address of vehicle takes place or re-registration of vehicle takes place	Percentage-on-Actual Tax Paid (one-time).
(a) within a year	85%
(b) after 1 year but within 2 years	80%
(c) after 2 years but within 3 years	75%
(d) after 3 years but within 4 years	70%
(e) after 4 years but within 5 years	65%
(f) after 5 years but within 6 years	60%
(g) after 6 years but within 7 years	55%
(h) after 7 years but within 8 years	50%
(i) after 8 years but within 9 years	45%
(j) after 9 years but within 10 years	40%
(k) after 10 years but within 11 years	35%
(l) after 11 years but within 12 years	30%
(m) after 12 years but within 13 years	25%
(n) after 13 years but within 14 years	20%
(o) after 14 years but within 15 years	15%
(p) after 15 years and above	No refund".

Statement of Objects and Reasons

The Bill seeks to amend section 3-A of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act No. 8 of 1974) (hereinafter referred to as the "said Act"), so as to suitably enhance the rates of green tax to be levied and collected on the transport vehicles, which

have completed 15 years from the date of their initial registration, at the time of renewal of certificate of registration as per sub-section (10) of section 41 and renewal of fitness certificate under section 56 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988).

The Bill further seeks to amend section 3-B of the said Act, so as to enhance the rate of one-time cess called "infrastructure development cess," payable on newly purchased motor car priced rupees ten lakhs or above.

The Bill further seeks to suitably amend the Schedule appended to the said Act so as to revise the rates of tax specified therein.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill. However, amendments proposed in the Bill would result in an additional revenue collection of Rs. 5 crores, per annum, approximately.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim, Goa.
24th April, 2013.

Shri RAMKRISHNA alias
SUDIN DHAVLIKAR
Minister for Transport

Assembly Hall,
Porvorim, Goa.
24th April, 2013.

N. B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

Governor's Recommendation under Article 207 of Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Bharat Vir Wanchoo, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Motor Vehicles Tax (Amendment) Bill, 2013, by the Legislative Assembly of Goa.

Governor of Goa



Department of Public Health

Order

5/7/2011-I/PHD

Sanction of the Government is hereby accorded for creation of the following thirty two (32) posts of various categories in the Directorate of Food & Drugs Administration, with immediate effect, for setting up of the South Goa Branch Office at Margao.

Sr. No.	Name of the post	Category	Pay scale	No. of posts for creation
1	2	3	4	5
1.	Drugs Inspector	Group 'B' Gazetted	PB-2—9,300-34,800+G.P 4,600	2
2.	Technical Officer	—do—	PB-2—9,300-34,800+G.P 4,600	1
3.	Food Inspector	Group 'C'	PB-1—5,200-20,200+G.P 2,800	5
4.	Head Clerk	—do—	PB-1—9,300-34,800+G.P 4,200	1
5.	Junior Stenographer	—do—	PB-1—5,200-20,200+G.P 2,400	1
6.	Upper Division Clerk	—do—	PB-1—5,200-20,200+G.P 2,400	5
7.	Lower Division Clerk	—do—	PB-1—5,200-20,200+G.P 1,900	7
8.	Accountant	—do—	PB-1—9,300-34,800+G.P 4,200	1
9.	Sampling Attendant	—do—	1S:-—4,440-7,440+G.P 1,300	2
10.	Driver	—do—	PB-1—5,200-20,200+G.P 1,900	2

1	2	3	4	5
11. Peon		Group 'D'	1S—4,440-7,440+G.P. 1,300	2
12. Assistant Local (Health Authority)		Group 'B' Non-Gazetted	PB—9,300-34,800+G.P. 4,200	2
13. Data Entry Operator		Group 'C'	PB—5,200-20,200+G.P. 2,400	1
Total				32

The expenditure towards the pay and allowances shall be debitible under Budget Head 2210—Medical and Public Health; 06—Public Health; 104—Drugs Control; 02—Strengthening of Food and Drugs Administration (Plan).

This issues with the recommendation of Administrative Reforms Department vide their U. O. No. 498/F dated 20-3-2013 and concurrence of Finance (Rev. & Cont.) Deptt. vide their U. O. No. 1454424/F dated 26-3-2013.

This also issues with the approval of the Cabinet conveyed by General Administration Department, Secretariat, Porvorim-Goa vide letter No. 1/11/2013-GAD-II (XXXV) dated 18-4-2013.

By order and in the name of the Governor of Goa.

Anju S. Kerkar, Under Secretary (Health II).

Porvorim, 24th April, 2013.

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Department of Revenue

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Order

35/2/2013-RD

In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (Act No. 2 of 1899), as in force in the State of Goa, the

Government of Goa hereby permits the Life Insurance Corporation of India, Goa Divisional Office, Panaji to pay a consolidated stamp duty of Rs. 40,00,000/- (Rupees Forty Lakhs only) chargeable on sums to be insured in the insurance policies issued by it's offices in the State of Goa, with effect from 1st May, 2013 to 30th April, 2014, in lieu of affixing stamps upon individual life insurance policies.

By order and in the name of the Governor of Goa.

Ashutosh Apte, Under Secretary (Revenue-I).
Porvorim, 30th April, 2013.

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Department of Town & Country Planning

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Order

45/3/2(Processing Fees)13/1629

The Government has announced levy of "Processing fee" for the applications made before the District level offices as well as Taluka level offices of the Town & Country Planning Department for issue of technical clearances for various developments/ constructions. The processing fees proposed to be levied is specified below and same is payable by applicants at the time of submitting the application for issue of technical clearances for various developments such as sub-divisions/ amalgamations/constructions/completions, etc.

Sr. No.	Type of construction/development	Total built up area in m2	Rate of processing fees in Rs.
1	2	3	4
1.	Residential (single family unit including new construction, re-construction, additions and alterations)	Upto 300m2	200/-
2.	—do—	More than 300m2	500/-
3.	Residential (multi family units including new construction, re-construction, additions and alterations)	Upto 500m2	500/-
4.	—do—	501m2 upto 1,000m2	1,500/-
5.	—do—	1,001m2 upto 10,000m2	1,500/- + 2,000 per 1,000.0m2 or part thereof.
6.	—do—	Above 10,000m2	19,500/- + 3,000/- per 1,000m2 or part thereof.
7.	Commercial (including new construction, re-construction, additions and alterations) and hotels	Upto 1,000m2	10,000/-
8.	Commercial (including new construction, re-construction, additions and alterations) and hotels.	Above 1,000m2	10,000/- + Rs. 5/- m2 of the area above 1,000m2.
9.	Sub-division of land/ /amalgamation of plots	Any area	At the rate of Rs. 2/- per m2 of area proposed for development.

The processing fee shall be debited to the following Budget Head:

- Demand No. 54:
 0217 — Urban Development;
 80 — General;
 800 — Other Receipts;
 81 — Other Items.

The criteria for levying processing fee shall be as given below:

1. Any individual before making an application, the processing fee shall be paid after obtaining required challan from the concerned District level office/Taluka level office.

2. The processing fee to the extent of 50% of the applicable amount shall be levied on each occasion whenever the same proposal is re-submitted for revision such as addition, alteration and completion.

3. The processing fee once paid is not refundable/adjustable.

4. If the plan/proposal is rejected for any reason, arising out of wrong plans, incomplete documentation or wrong land use, the subsequent re-submissions will be treated as new application for the purpose of "Processing Fee".

5. In case proposal involves sub-division amalgamation of land as well as construction in such case processing fee shall be levied for both.

6. The processing fee shall be levied for all applications for development received by District level offices and Taluka level offices w.e.f. date of Notification. However, applications already received are exempted from levy of processing fees unless re-submitted subsequent to Notification of processing fee.

7. The maximum amount of processing fee shall be limited to Rs. 50,000/- for each application.

8. The processing fee shall not be applicable to Government and Government aided Institutions.

The respective District level office/Taluka level office shall issue challan in respect of processing fees payable and applicant shall enclose a copy of receipt towards processing fees paid, along with application before submitting the same in respective office of the Town & Country Planning Department for inward.

By order and in the name of the Governor of Goa.

S. T. Puttaraju, Chief Town Planner & ex officio Jt. Secretary.

Panaji, 23rd April, 2013.



Department of Transport

Directorate of Transport

Notification

D.Tpt/Accts/KTCL-Subsidy/2013-14/1646

The Government of Goa is pleased to frame the "Scheme for release of subsidies to Kadamba Transport Corporation Ltd., towards social cost."

Preamble

Government of Goa has established State Road Transport Undertaking in October, 1980. The aim and object of the STU was to provide safe and reliable bus transport service to villagers and remote area people and students, thus to connect villages in the State to the cities and to villages where private bus operators were not ready to accept to provide bus services, being uneconomical and to stop the unfair practices and poor quality of services provided by private operators. The service was extended with concessions to senior citizens, physically disabled, blind, veteran ladies, cancer patients, freedom fighters, students,

HIV Aids Patients etc., as per directives of the Government. Kadamba Transport Corporation Limited operates around 200 to 250 kms. per day buses on intra-State routes to meet the demands of people in Goa.

For the above transport services, facilities to provide Kadamba Transport Corp. Ltd., has to sustain losses being not matching cost of operation with that amount of revenue earned. The rate of passenger fare for transport services on which the major portion of income is dependable is decided and fixed by the Government and therefore the Corporation has no scope to increase the rate of fare as per increase in cost of inputs and has to continue with operation of uneconomical transport services.

1. *Short title and commencement.*— (i) The scheme shall be called "Scheme for release of subsidy to KTCL towards social cost".

(ii) The scheme shall come into force from the date of its Notification in the Official Gazette."

2. *Objectives.*— The main objectives of the Scheme are as follows:—

(i) Kadamba Transport Corporation Limited shall operate social obligatory services for the benefit of people connecting villages with towns and cities in the State to aid, assist, promote, expedite and accelerate the development of communication and transport facilities throughout the State of Goa and services to the public at large.

(ii) KTCL shall extend services with concessions to senior citizens, physically disabled, blind, veteran ladies, cancer patients, freedom fighters, students, HIV Aids Patients etc., as per directives of the Government.

(iii) KTCL shall provide passenger amenities/facilities at all the bus stands in the State of Goa and carry out the maintenance and upkeep of these bus stands.

(iv) KTCL shall make necessary arrangement to provide buses to various

Government Departments and agencies as per the demand, against payment of prescribed charges.

(v) KTCL shall provide late night services, emergency services, support to the Disaster Management Cell in the State of Goa and any other services as per directions of the Government from time to time.

3. *Scope of the Scheme.*— The smooth running of Kadamba Transport Corporation Limited is very much essential to provide transport services as per the need of the people with the facilities of concessions extended as per directives of Government and for operation of transport services on inter-State routes in neighbouring States to facilitate the people for inter-State movements.

4. *Eligibility conditions under the Scheme.*— KTCL being a Government owned Organization, requires financial assistance of Rs. 250 lakhs towards monthly expenditure of operation of transport services which has been provided to the people of Goa with concessions to the various categories of people and as social obligatory, the revenue of which earned as per the fare fixed by the Government is not enough to meet expenditures of operations.

5. *Procedure for claiming Subsidy.*— (i) KTCL depending upon requirement of financial assistance from the State Government shall submit the proposal to the Transport Department for making provision in Annual Plan against Subsidy amounting to Rs. 3000 lakhs.

(ii) Once the Annual Plan is passed by the Legislative Assembly and assented to by the Governor, depending upon the need of the Corporation, the Corporation shall move a proposal to the Transport Department for releasing the amount of Rs. 3000 lakhs provided in the Annual Plan in four quarterly installments spread out over the financial year.

(iii) The Transport Department shall seek administrative approval and refer the matter

to the Finance Department for concurrence of the same and for releasing the amount to KTCL.

6. *Conditions for release of Subsidy to KTCL.*— (i) KTCL shall operate social obligatory services for social benefits connecting villages with towns and cities in the State and shall operate buses on inter-State routes in the neighbouring States.

(ii) KTCL shall assist, initiate, promote, expedite and accelerate the development of communication and transport facilities throughout the State of Goa at service to the public at large.

(iii) KTCL shall provide late night services, emergency services, support the disaster management cell in the State of Goa and any other services as per the directions of the Government from time to time.

(iv) KTCL shall extend concessional services to category passengers like senior citizens, freedom fighters, students, differently abled, blind, cancer, HIV patients etc., as per the directives and as notified by the Government from time to time.

(v) KTCL shall submit Utilization Certificate in the prescribed form after utilization of the amount of subsidy and before the release of next amount of subsidy installment, whichever is earlier.

(vi) KTCL shall submit an audited Statement of Accounts by a registered Chartered Accountant within a period of six months from the close of the Financial Year.

(vii) Non submission of Utilization certification or Audited Statement of Accounts or violation of terms and conditions, stipulated therein would act as disqualification for getting subsidy from the Government.

(viii) KTCL and its records shall be opened to inspection by the Directorate of Transport or his nominee at any point of time.

7. *Relaxation.*— The Government shall be empowered to relax any or all clauses or conditions of the Scheme in genuine cases for release of Interpretation Financial Assistance to be recorded in writing.

8. *Interpretation.*— If any question arises regarding interpretation of any clauses, word or expression of the Scheme, the decision shall lie with the Directorate of Transport which shall be final and binding on all concerned.

This issues with the concurrence of the Finance Department under their U.O. No. 1461452 dated 17-04-2013.

By order and in the name of the Governor of Goa.

Arun L. Desai, Director & ex officio Addl. Secretary.

Panaji, 26th April, 2013.

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