

LA/LEGN/2022/1328

The following bill which was introduced in the Legislative Assembly of the State of Goa on 20th July, 2022 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 Municipalities (Amendment)
Bill, 2022

(Bill No. 8 of 2022)

A
BILL

further to amend the Goa Municipalities Act, 1968 (Act 7 of 1969).

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the “principal Act”),—

(i) after clause (19), the following clause shall be inserted, namely:—

“(19a) “holder” means a person who is in possession of the building/land;”;

(ii) after clause (25), the following clause shall be inserted, namely:—

“(25a) “member of family of lessee” means lessee’s spouse, or son, or unmarried daughter, or father, or mother, or grandson, or unmarried grand-daughter;”.

3. *Amendment of section 10.*— In section 10 of the principal Act, in sub-section (1), for the word “Director”, wherever it occurs, the words “State Election Commission in consultation with the Government” shall be substituted.

4. *Amendment of section 56.*— In section 56 of the principal Act,—

(i) in sub-section (2), for the expression “not less than one-third”, the word “majority” shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) No requisition for such special meeting shall be moved before expiry of a period of six months from the date of convening of the special meeting of the Council wherein the resolution for removal of the Chairperson or Vice-Chairperson, as the case may be, is defeated.”.

5. *Amendment of section 88.*— In section 88 of the principal Act (i) in sub-section (2), the words “of not less than two-thirds” shall be omitted.

(ii) in sub-section (3), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that in respect of immovable property of a council where the period of lease has already expired and such lease is not renewed, the Council may renew the lease of such immovable property at such rate of rental and on such terms and conditions as may be notified by the Government by notification in the Official Gazette”.

6. *Amendment of section 101.*— In section 101 of the principal Act, in sub-section (1), in clause (a), for the words “rateable value”, the expression “rateable value or capital value, as the case may be” shall be substituted.

7. *Amendment of section 110.*— In section 110 of the principal Act, (i) in sub-sections (1) and (2), for the words “Rateable value” and “rateable value”, whenever they occur, the expression “rateable value” or capital value” shall be substituted.

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The tax of any building or land assessable for property tax shall be

calculated on the basis of capital value system of the property as may be notified by the Government by notification in the Official Gazette.”.

8. *Omission of sections 131, 132, 133, 134, 135 and 136.*— Sections 131, 132, 133, 134, 135 and 136 of the principal Act shall be omitted.

9. *Insertion of new section 265A.*— After section 265 of the principal Act, the following section shall be inserted, namely:—

“265A. *Sealing of premises carrying on any trade and or occupation without licence.*— (1) If any person without obtaining a licence from the Council under section 252 or section 265 carries on any trade or occupation in any premises within the limits of municipal area, the Chief Officer shall, after giving an opportunity of being heard to such person seal such premises:

Provided that if the application for licence is already submitted to the Council, such premises shall not be sealed till such application is rejected on merit:

Provided further that no such premises shall be sealed till the expiry of the period given to rectify any defect thereof.

(2) An appeal against the order of the Chief Officer shall lie before the Director and his decision in the matter shall be final:

Provided that the Director shall not grant any interim relief without hearing the Chief Officer.”.

10. *Amendment of section 270.*— In section 270 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Whoever forcibly opposes the seizure of cattle liable to be seized under this section, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, punished with fine of ten thousand rupees.”.

11. *Amendment of section 276.*— In section 276 of the principal Act, for sub-section (1)

the following sub-section shall be substituted, namely:—

“(1) Whoever, within a municipal area, allows any cattle which are in his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished,—

(i) for the first offence, with fine of ten thousand rupees;

(ii) for a second or subsequent offence, with fine of fifteen thousand rupees.”.

12. *Amendment of section 286.*— In section 286 of the principal Act, in sub-section (1), in clause (d), for the words “rateable value”, the words “rateable value or capital value” shall be substituted.

Statement of Objects and Reasons

The Bill seeks to insert new clauses (19a) and (25) in section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the “said Act”) so as to define the terms “holder” and “member of the family of lessee” in the said Act.

The Bill seeks to amend section 10 of the said Act so as to devolve the powers of delimitation and reservation to the State Election Commission in order to conduct the Municipal election in a free, fair and transparent manner.

The Bill seeks to amend section 56 of the said Act so as to avoid frequent requisition of the special meeting for removal of the Chairperson and the Vice-Chairperson thereby putting unnecessary strain on the administration of the Council and Director of Urban Development (Municipal Administration).

The Bill seeks to amend section 88 of the said Act so as to enhance the revenue of the Council.

The Bill seeks to amend section 101, 110 and 286 of the said Act so as to make the assessment of property by using capital value assessment method and collection of house tax from the buildings which were not assessed for house tax.