

The Goa Regularisation of Unauthorized Construction (Third Amendment) Bill, 2023

(Bill No. 35 of 2023)

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BILL

further to amend the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016).

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

1. Short title and commencement.— (1) This Act may be called the Goa Regularisation of Unauthorized Construction (Third Amendment) Act, 2023.

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

2. Amendment of section 3.— In section 3 of the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016), in sub-section (1), after the existing provisos, the following proviso shall be inserted, namely:--

“Provided further that the person who could not make application within a period as specified in the third proviso may make such application within a period of ninety days from the date of coming into force of the Goa Regularisation of Unauthorized Construction (Third Amendment) Act, 2023”.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend section 3 of the Goa Regularization of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016) (hereinafter referred to as the “said Act”) so as to allow a period of ninety days for filing of applications seeking regularization of unauthorized constructions under the said Act to the persons who could not file their applications within the time limit as allowed by the said Act.

This Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1(2) of the Bill empowers the Government to issue notification to appoint date for bringing the Act into force.

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**ASSEMBLY HALL,
PORVORIM, GOA**

02nd AUGUST, 2023.

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PORVORIM, GOA**

02nd AUGUST, 2023.

**(ATANASIO MONSERRATE)
MINISTER FOR REVENUE.**

**(NAMRATA ULMAN)
SECRETARY TO THE LEGISLATIVE
ASSEMBLY OF GOA**

ANNEXURE

Extract of sub-section (1) of Section 3 of The Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016).

3. Regularisation of unauthorized construction.— (1) Any person who has carried out unauthorized construction in the property specified herein below before the 28th day of February, 2014, may make an application in Form I hereto together with application fee in the form of Court fee stamp of rupees five, documents specified in Schedule I hereto, sketch of the structure proposed to be regularised alongwith dimensions to the officer as may be authorised by the Government by Notification in the Official Gazette, not below the rank of Junior Scale Officer of Goa Civil Service, for regularisation of such unauthorized construction, within a period of 180 days from the date of coming into force of this Act:

(a) any residential, commercial or residential cum commercial unauthorised construction in applicants own property or by the applicant who is co-owner, with written consent of all other co-owners thereto, in a property jointly held by the applicant with such co-owners.

(b) any unauthorized construction of a dwelling house by the applicant who is declared/registered as mundkar under the provisions of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976) or a farm house constructed by the applicant who is tenant or owner of an agricultural land.

(c) any unauthorized construction by the applicant in undivided property jointly held by a unit of family or families, with written consent of all other members of the family/families.

(d) any unauthorized construction carried out by an institution or a person other than an individual in its property.

(e) any unauthorized construction carried out by the applicant, in a property wholly owned by another person with the consent of such person.

“Provided that has no such written consent as referred to in clauses (a) and (c) is required where the property/land is divided / allotted between all co-owners or members of family / families by an order or decree of the Court in any proceedings or by any registered Deed or instrument”.

Provided that the person who could not make application within above period may make such application within a period of **30 days** (thirty days) from the date of coming into force of the Goa Regularisation of Unauthorized Construction (Amendment) Act, 2018.

“Provided further that the person who could not make application within a period as specified in the third proviso may make such application within a period of **90 days (ninety days)** from the date of coming into force of the Goa Regularisation of Unauthorized Construction (Third Amendment) Act, 2023”.

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