

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

INDEX

Department	Notification/Bill	Subject	Pages
1. Forest Under Secretary	Not.- 2-190(1)-2017-18/FD/ /Part/1464	Declaration of Matti & Coconut Tree as State Trees.	1849
2.a. Goa Legislature Secretariat	Bill.- LA/LEGN/2017/2512	The Goa Appropriation (No. 4) Bill, 2017.	1849
b. —do—	Bill.- LA/LEGN/2017/2513	The Goa Land Revenue Code (Amendment) Bill, 2017.	1851
c. —do—	Bill.- LA/LEGN/2017/2514	The Goa Town and Country Planning (Amendment) Bill, 2017.	1856
d. —do—	Bill.- LA/LEGN/2017/2515	The Goa Tax on Infrastructure (Amendment) Bill, 2017.	1858
e. —do—	Bill.- LA/LEGN/2017/2516	The Goa Agricultural Produce Marketing (Dev & Reg) Amendment, Bill, 2017.	1860
3. Industries Under Secretary	Not.- 3/12/2017-IND	Goa Tribal's Employment Generation Programme Scheme, 2017.	1863
4. Law & Judiciary Under Secretary	Not.- 10/8/2017-LA/209	Indian Forest (Amendment) Ordinance, 2017.	1866
5. Science, Technology & Envi. Dir. & ex officio Jt. Secretary	Not.- —	Goa State Solar Policy, 2017.	1867

Department of Forest

Notification

2-190(1)-2017-18/FD/Part/1464

In exercise of the powers conferred by section 7A of the Goa, Daman and Diu Preservation of Trees Act, 1984 (Goa Act No. 6 of 1984), the Government of Goa, having regard to ecological, socio-economic, cultural or heritage value, hereby declares "Matti" (*Terminalia elliptica*) and "Coconut tree" (*cocos nucifera*) to be State trees.

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

Shaila G. Bhosle, Under Secretary (Forests).

Porvorim, 13th December, 2017.

Goa Legislature Secretariat

LA/LEGN/2017/2512

The following bill which was introduced in the Legislative Assembly of the State of Goa on 14th December, 2017 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 Appropriation (No. 4) Bill, 2017

(Bill No. 24 of 2017)

A

BILL

to authorise payment and appropriation of
certain further sums from and out of the

Consolidated Fund of the State of Goa for the services and purposes of the financial year 2017-18.

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

1. *Short title.*— This Act may be called the Goa Appropriation Act, 2017.

2. *Issue of Rs. 447,25,93,000/- out of the Consolidated Fund of the State of Goa for the financial year 2017-18.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of four hundred forty seven crore twenty five lakh ninety three thousand rupees towards defraying the several charges which will come in the course of payment during the financial year 2017-18 in respect of the services and purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the said Schedule in relation to the said financial year.

SCHEDULE

(See sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
1	2	3	4	5
A1	Raj Bhavan (Charged)	—	13.00	13.00
03	District and Sessions Court, North Goa	213.00	—	213.00
04	District and Sessions Court, South Goa	380.87	—	380.87
07	Settlement and Land Records	308.00	—	308.00
08	Treasury and Accounts Administration, North Goa	511.84	—	511.84
09	Treasury and Accounts Administration, South Goa	35.00	—	35.00
A2	Debt Services (Charged)	—	1500.00	1500.00
10	Notary Services	188.52	—	188.52
11	Excise	338.00	—	338.00
13	Transport	100.00	—	100.00
A3	Goa Public Service Commission (Charged)	—	100.00	100.00
15	Collectorate, North Goa	0.50	—	0.50
16	Collectorate, South Goa	714.50	—	714.50
17	Police	5361.61	—	5361.61
18	Jails	215.00	—	215.00
19	Industries, Trade and Commerce	1300.00	—	1300.00
20	Printing and Stationery	693.61	—	693.61
21	Public Works	2348.92	189.45	2538.37
23	Home	320.00	—	320.00

1	2	3	4	5
25	Home Guards and Civil Defence	53.42	—	53.42
31	Panchayats	1110.00	—	1110.00
33	Revenue	516.05	—	516.05
34	School Education	5035.00	—	5035.00
35	Higher Education	2600.00	—	2600.00
37	Government Polytechnic, Panaji	290.50	—	290.50
38	Government Polytechnic, Bicholim	115.00	—	115.00
39	Government Polytechnic, Curchorem	43.00	—	43.00
40	Goa College of Engineering	200.00	—	200.00
47	Goa Medical College	6181.70	—	6181.70
48	Health Services	4256.00	—	4256.00
49	Institute of Psychiatry and Human Behaviour	641.55	—	641.55
51	Goa Dental College	300.00	—	300.00
52	Labour	621.60	—	621.60
53	Food and Drugs Administration	266.00	—	266.00
55	Municipal Administration	3000.00	—	3000.00
56	Information and Publicity	392.02	—	392.02
57	Social Welfare	207.00	—	207.00
59	Factories and Boilers	18.00	—	18.00
62	Law	33.00	—	33.00
66	Fisheries	497.00	—	497.00
67	Ports Administration	44.00	—	44.00
71	Co-operation	157.35	—	157.35
74	Water Resources	2198.92	—	2198.92
77	River Navigation	702.00	—	702.00
80	Legal Metrology	65.00	—	65.00
81	Department of Tribal Welfare	350.00	—	350.00
TOTAL		42923.48	1802.45	44725.93

Statement of Objects and Reasons

The Supplementary Demands for Grants for the year 2017-18 (Second Batch) was presented to the Legislative Assembly. This Bill is introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa, to meet the expenditure on certain services, granted by the Legislative Assembly for those services.

Porvorim, Goa. MANOHAR PARRIKAR
14th December, 2017. Finance Minister/
/Chief Minister

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the
14th December, 2017. Legislative Assembly of Goa.

Governor's Recommendation

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa, hereby recommend the introduction and consideration of the Goa Appropriation (No. 4) Bill, 2017, by the Legislative Assembly of Goa.

LA/LEGN/2017/2513

The following bill which was introduced in the Legislative Assembly of the State of Goa on 14th December, 2017 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 Land Revenue Code
(Amendment) Bill, 2017

(Bill No. 25 of 2017)

A

BILL

further to amend the Goa Land Revenue Code, 1968 (Act No. 9 of 1969).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Land Revenue Code (Amendment) Act, 2017.

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

2. *Amendment of section 24.*— In section 24 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969) (hereinafter referred to as the “principal Act”), for the word “Collector”, wherever it occurs, the word “Government” shall be substituted.

3. *Amendment of section 37.*— In section 37 of the principal Act, for the words “Central Government”, wherever they occur, the words “Central Government or Government” shall be substituted.

4. *Insertion of new sections 37A and 37B.*— After section 37 of the principal Act, the following sections shall be inserted, namely:—

“37A. *Confirmation of title to Alvara land.*—

(1) Every person occupying the land under the provisions of the Decree No. 3602 dated 24-11-1917 shall make an application in the prescribed form to the Collector within a period of six months from the date of commencement of the Goa Land Revenue Code (Amendment) Act, 2017 along with all the documents to substantiate that all the

conditions laid down in the said Decree No. 3602 dated 24-11-1917 have been complied with and that he has a definitive title under the said Decree to such land:

Provided that the Government may direct the Collector to entertain the application made beyond the said period of six months if it is satisfied that the applicant could not make application within the said period for the reasons beyond his control.

(2) The Collector shall after receipt of application under sub-section (1) verify all the documents submitted by the applicant and after conducting such inquiry as he deems fit, submit his report thereon to the Government inter-alia stating as to whether the applicant has definitive title to the land occupied by him.

(3) The Government may, after considering the report submitted by the Collector under sub-section (2), either approve or reject his report or give such other direction to the Collector as it deems fit in the matter. In the event the Government finds that the applicant has definitive title to the land, it may direct the Collector to issue a certificate of confirmation of the definitive title to the applicant in the prescribed form.

(4) A person, whose application is rejected under sub-section (3) or is occupying Government/Alvara land without the definitive title to such land under the said Decree No. 3602 dated 24-11-1917, he shall apply for regularization of such land, in the prescribed form along with the prescribed fee, within a period of thirty days from the date of such rejection or six months from the date of commencement of the Goa Land Revenue Code (Amendment) Act, 2017, as the case may be.

(5) The Collector shall after receipt of application under sub-section (4) verify all the documents submitted by the applicant and after conducting such inquiry as he deems fit, submit his report thereon to the Government.

(6) The Government may, after considering the report submitted by the Collector under sub-section (5), either direct the Collector to regularize such land as occupant Class –II on payment of amount as specified in sub-section (7) or reject the application or give such other direction to the Collector as it deems fit in the matter.

(7) Notwithstanding anything contained in any law for the time being in force, no land referred in sub-section (4) shall be regularized unless an amount equivalent to the total value of the land calculated at rupees 05/- per square meter has been deposited with the Government.

(8) Where any person fails to comply with the provisions of sub-section (1) or (4) or his application is rejected under sub-section (3) or (6), the Government/Alvara land shall revert back to the Government free from all encumbrances and the Government shall be free to deal with such land as it deems fit.

37B. *Restriction on transfer of occupancy of Land.*— (1) Notwithstanding anything contained in sub-section (4) of section 24 and section 37A, no person having definitive title to land conferred under section 37A and/or classified as occupant Class – I under section 24 shall transfer the said land to any person without remitting to the Government ten percent of the prevailing market value of such land as on the date of such transfer or proceeds of such transfer, whichever is higher.

(2) The transfer of occupancy of the land in contravention of provision contained in sub-section (1) shall be null and void.

5. *Substitution of section 38.*— For section 38 of the principal Act, the following section shall be substituted, namely:—

“38. *Regularisation of encroachments.*— Nothing contained in section 37 shall prevent the Government, if the person making the

encroachment so makes request, to charge the said person a sum not exceeding five times the value of the land so encroached upon and to grant the land to the encroacher on such terms and conditions as the Government may impose subject to rules made in this behalf; and then to cause the said land to be entered in land records in the name of the such person as Occupant–Class II:

Provided that no Land shall be granted as aforesaid, unless a public notice of intention so to do is given, and any objections or suggestions which may be received before granting the land as aforesaid are considered. The expenses incurred in giving such public notice shall be paid by the person making the encroachment; and on his failure to do so on demand within a reasonable time, shall be recovered from him as an arrear of land revenue.”.

6. *Amendment of section 39.*— In section 39 of the principal Act, in sub-section (1), for the expression “(except Alvara holder and person in occupation of Land before the appointed day)” shall be omitted.

7. *Amendment of section 40.*— In section 40 of the principal Act, for the words “Central Government”, wherever they occur, the words “Central Government or Government” shall be substituted.

Statement of Objects and Reasons

The Bill seeks to amend section 37 of Goa Land Revenue Code, 1968 (Act 9 of 1969) so as to include word “Government” and by inserting section 37A and 37B prescribing the process for regularization for grants under Alvara.

The Bill further seeks to amend section 24 to provide powers to Government for transferring land held under occupancy class II to Occupancy Class I and to suitably amend section 38, 39 and 40 corresponding to insertion of new sections 37A and 37B.

This Bill seeks to achieve the above objects.

Financial Memorandum

The Bill would generate additional revenue on account of fees payable, which cannot be quantified at this Stage.

Memorandum regarding delegated legislation

Clause 4 of the Bill empowers the Government to frame Rules for prescribing the form of application for confirmation of title of Alvara land and of Certificate of Confirmation of definitive title.

Clause 4 of the Bill also empowers the Government to frame rules prescribing form of application and fee for regularization of Alvara land.

Clause 5 empowers the Government to make rules as regards to regularization of encroachment.

These delegations are of normal character.

Assembly Hall,
Porvorim-Goa.
13th December, 2017.

ROHAN A. KHAUNTE
Minister for
Revenue

Assembly Hall,
Porvorim, Goa.
13th December, 2017

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, Smt. Mridula Sinha, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Land Revenue Code (Amendment) Bill, 2017.

RAJ BHAVAN. MRIDULA SINHA
Date: 12th December, 2017. Governor of Goa

ANNEXURE

.....
Extract of Section 24, 37, 38, 39, 40 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969).
.....

24. *Occupancy to be transferable and heritable subject to certain restrictions.*— (1) An occupancy

shall, subject to the provision contained in section 46 and to any conditions lawfully annexed to the tenure, and save as otherwise provided by law, be deemed an heritable and transferable property.

(2) Notwithstanding anything contained in the foregoing sub-section, occupancies of persons belonging to such Scheduled Castes and Scheduled Tribes as the Government, having regard to the ability of the occupants to cultivate the land personally or any other relevant factors, may by notification in the Official Gazette if any, declare for the purpose of this section for the whole or any part of the State of Goa, shall not be transferred except with the previous sanction of the Collector.

(3) Notwithstanding anything contained in sub-section (1) or in any other provisions of this Code, or in any other law for the time being in force, it shall be lawful for an Occupant — Class II — to mortgage his property in favour of the Government in consideration of a loan advanced to him by the Government under the Land Improvement Loan Act, 1883, the Agriculturists Loans Act, 1884, or in favour of a co-operative society in consideration of a loan advanced to him by such co-operative society, and without prejudice to any other remedy open to the Government, or as the case may be, the co-operative society in the event of such occupant making default in payment of such loan in accordance with the terms on which such loan is granted, it shall be lawful for the Government, or as the case may be, the co-operative society to cause the occupancy to be attached and sold and the proceeds to be applied towards the payment of such loan.

(4) The Collector may, on the application of the purchaser, and payment of the premium prescribed by the Government in this behalf, by order in writing reclassify the occupant—as Occupant—Class I; and on such re-classification, the occupant shall hold the occupancy of the land without any restriction on transfer under this Code.

Explanation 1:— For the purposes of this section “Scheduled Castes” means such castes, races or tribes or parts of or groups within such castes, races or tribes, as are deemed to be Scheduled Castes in relation to Union territory of Goa, Daman and Diu under article 341 of the Constitution of India.

Explanation 2:— For the purposes of this section, "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the Union territory of Goa, Daman and Diu under article 342 of the Constitution of India.

37. *Removal of encroachments on land vesting in Central Government; provisions for penalty and other incidental matters.*— (1) In the event of any encroachment being made on any land vested in the Central Government (whether or not in charge of any local authority), it shall be lawful for the Collector to summarily abate or remove any such encroachment and the expenses incurred therefor shall be leviable from the person in occupation of the land encroached upon and the person who is responsible for the encroachment.

(2) The person who made such encroachment or who is in unauthorised occupation of the land so encroached upon shall pay, if the land encroached upon forms part of an assessed survey number, assessment for the entire number for the whole period of the encroachment, and if the land has not been assessed, such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land used for the same purpose. Such person shall pay in addition a fine which shall be not less than five rupees but not more than one thousand rupees if the land is used for an agricultural purpose, and if used for a purpose other than agriculture such fine not exceeding two thousand rupees.

(3) The Collector may, by notice duly served under the provisions of this Code, prohibit or require the abatement or removal of encroachments on any such lands, and shall fix in such notice a date which shall be a reasonable time after such notice, on which the same shall take effect.

(4) Every person who makes, causes, permits or continues any encroachment on any land referred to in a notice issued under sub-section (3), shall in addition to the penalties specified in sub-section (2), be liable at the discretion of the Collector to a fine not exceeding twenty-five rupees in the case of encroachment for agricultural purposes and fifty rupees in other cases for every day or part of a day

during which the encroachment continues after the date on which the notice takes effect.

(5) An order passed by the Collector under this section shall be subject to appeal and revision in accordance with the provisions of this Code.

(6) Nothing contained in sub-sections (1) to (4) shall prevent any person from establishing his rights in a civil court within a period of one year from the date of the final order under this Code.

38. *Regularisation of encroachments.*— Nothing in section 37 shall prevent the Collector, if the Alvara holder or a person in occupation of land before the appointed day or if the person making encroachment so desires, to charge the Alvara holder or the occupant of such land, a market value as prevailing on the appointed day which shall be payable within a period of two years from the date of regularisation of the Alvara or occupation of land, as the case may be, and the other person who so desires, to charge the said person a sum not exceeding five times the value of the land so encroached upon and to grant the land to the encroacher on such terms and conditions as the Collector may impose subject to rules made in this behalf; and then to cause the said land to be entered in land records in the name of the said person:

Provided that no land shall be granted as aforesaid, unless the Collector gives public notice of his intention so to do in such manner as he considers fit, and considers any objections or suggestions which may be received by him before granting the land as aforesaid. The expenses incurred in giving such public notice shall be paid by the person making the encroachment; and on his failure to do so on demand within a reasonable time, shall be recovered from him as an arrear of land revenue.

39. *Value and land revenue how calculated.*—

(1) For the purposes of sections 37 and 38 (except Alvara holder and person in occupation of land before the appointed day), the value of land that has been encroached upon shall be fixed by the Collector according to the market value of similar land in the same neighbourhood at the time of such valuation; and the annual revenue of such land shall be assessed at the same rate as the land revenue of similar land in the vicinity.

(2) The Collector's decision as to the value of land and the amount of land revenue or assessment payable for the land encroached upon shall be conclusive, and in determining the amount of land revenue, occupation for a portion of year shall be counted as for a whole year.

40. *Summary eviction of person unauthorisedly occupying land vesting in Central Government.*—

(1) If in the opinion of the Collector any person is unauthorisedly occupying or wrongfully in possession of any land—

(a) vesting in the Central Government; or

(b) to the use or occupation of which he is not entitled or has ceased to be entitled by reason of—

(i) any of the provisions of this code, or

(ii) the expiry of the period of lease or termination of the lease for breach of any of the conditions annexed to the tenure, or

(iii) it being not transferable without the previous permission under sub-section (2) of section 24 or by virtue of any condition lawfully annexed to the tenure under the provision of sections 20, 25 or 32, it shall be lawful for the Collector to summarily evict such person in the manner provided in sub-section (2).

(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.

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

(3) A person unauthorisedly occupying or wrongfully in possession of land after he has ceased to be entitled to continue the use, occupation or possession by virtue of any of the reasons specified in sub-section (1), shall also be liable at the discretion of the Collector to pay a penalty not exceeding two times the assessment or rent for the land for the period of such unauthorised use or occupation.

LA/LEGN/2017/2514

The following bill which was introduced in the Legislative Assembly of the State of Goa on 14th December, 2017 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 Town and Country Planning (Amendment) Bill, 2017

(Bill No. 26 of 2017)

A

BILL

further to amend the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 2017.

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

2. *Amendment of section 16A.*— In section 16A of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975) (hereinafter referred to as the "principal Act"), in sub-section (2), for the expression "fine which may extend to Rs. 1.00 lakh", the expression "simple imprisonment which may extend to one year, or with fine of Rs. 10.00 lakh, or with both" shall be substituted.

3. *Amendment of section 17B.*— In section 17B of the principal Act, in sub-section (1), for the expression "Rs. 1.00 lakh", the expression "Rs. 10.00 lakhs" shall be substituted.

4. *Amendment of section 49.*— In section 49 of the principal Act, in sub-section (6),—

(i) for the expression “within a planning area”, the expression “within a planning area or from the Town and Country Planning Department within a area other than a planning area” shall be substituted;

(ii) for the expression “in respect of the planning area”, the expression “in respect of the planning area or from the Chief Town Planner (Planning) or such officer as may be authorised by him by notification in the Official Gazette, in respect of such other area” shall be substituted.

Statement of Objects and Reasons

The Bill seeks to amend sub-section (2) of section 16A of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975) (hereinafter referred to as the “said Act”) so as to make the penal provision in respect of contravention of the regional plan more stringent.

The Bill further seeks to amend section 17B of the said Act so as to increase fine for illegal cutting of hilly land or filling up of any low lying land, from Rs. 1.00 lakh to 10.00 lakh.

The Bill also seeks to amend sub-section (6) of section 49 of the said Act so as to control unauthorised sub-division of land in non-planning areas.

This bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum regarding delegated legislation

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

Clause 3 of the Bill empowers the Chief Town Planner (Planning) to authorise an officer, by notification in the Official Gazette, for the purposes of section 49 (6).

These delegations are of normal character.

Porvorim-Goa.
13th December, 2017.

VIJAY SARDESAI
Hon. Minister for
(TCP)

Assembly Hall,
Porvorim, Goa.
13th December, 2017.

NILKANTH SUBHEDAR
Secretary to the Legislative
Assembly of Goa

ANNEXURE

Extract of Sections 16A, 17B and 49 of the Goa Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975).

Section 16A

16A. *Development to conform to regional plan.*—
(1) No person shall undertake any work of development in contravention of any provision of the regional plan as in force, except the project/schemes/development works under taken by the Central Government or the Government, either by himself or through his servant or agent or any other person and all such development work shall be in conformity with the provisions of the regional plan.

(2) Whoever undertakes any work or development in contravention of the regional plan as in force, shall be punished with fine which may extend to Rs. 1.00 lakh.

(3) As offence under this section shall be cognizable.

Section 17B

17B. *Penalty for contravention of section 17A.*—
(1) Whosoever contravenes or abets the contravention of any of the provisions of section 17A, shall be punishable with simple imprisonment for a period which may extend to one year or fine which may not be less than Rs. 1.00 lakh or with both.

(2) An offence under this section shall be cognizable.

Section 49

49. *Sanction for sub-division of plot or layout of private street and restriction on registration of purchase, sale or transfer of immovable property.*—

(1) Any person intending to sub-divide his plot or make or layout a private street, on or after the date on which a public notice of the preparation of a Development Plan is published under sub-section (1) of section 35, shall submit the layout plan together with the prescribed particulars to the Planning and Development Authority for sanction.

(2) The Planning and Development Authority may within the prescribed period, sanction such plan either with or without modifications and conditions as it considers expedient or may refuse to give sanction if it is of the opinion that such sub-division, making or layout is not in conformity with the proposals contained in a Development Plan.

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

(4) If any person does any work in contravention of the provisions of sub-section (1) or in contravention of the modifications and conditions of the sanction granted under sub-section (2) or in spite of the refusal of sanction under sub-section (2), the Planning and Development Authority may direct such person by notice in writing to stop any work in progress and after making an inquiry in the prescribed manner, remove or pull down any work or restore the land to its original condition.

(5) Any expenses incurred by the Planning and Development Authority under sub-section (4) shall be a sum due to the Planning and Development Authority under this Act from the person in default.

(6) Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of sub-section (1) of section 29 of the Registration Act, 1908, purports to transfer, assign, limit or extinguish the right, title or interest of any person, in respect of plots which are not as per Survey Plan issued by Survey Department or plots which have no development permissions for such sub-division from Planning and Development Authority within a planning area, no registering officer appointed under the Act, shall register any document, unless the owner of such plot produces a certificate of sanction or a certificate of "no objection" from

the Planning and Development Authority exercising jurisdiction in respect of the planning area:

Provided that no such certificate of sanction or "no objection" shall be required to be produced if the sub-division of land or the making or layout of any property results from the rights of inheritance within a family.

Provided further that no such certificate of sanction or no objection shall be required to be produced for the purpose of mortgaging immovable property in favour of any financial institution notified by the Government by a notification in the Official Gazette, for the purpose of this Act.

LA/LEGN/2017/2515

The following bill which was introduced in the Legislative Assembly of the State of Goa on 14th December, 2017 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 Tax on Infrastructure (Amendment) Bill, 2017

(Bill No. 27 of 2017)

A

BILL

further to amend the Goa Tax on Infrastructure Act, 2009 (Goa Act No. 20 of 2009).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Tax on Infrastructure (Amendment) Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Tax on Infrastructure Act, 2009 (Goa Act 20 of 2009) (hereinafter referred to as the "principal Act"), in clause (k), after the expression "home for spastic/retarded children", the expression "or housing for locals under the Government Scheme" shall be inserted.

Statement of Objects and Reasons

In the State of Goa, construction industry is governed by various Acts and Rules. Various types of fees and tax are also applicable in order to take up construction activities. The fees and taxes include, conversion fees, infrastructure tax, licence fee charged by the local bodies, stamp paper and registration fees, besides development charge in case of areas under jurisdiction of PDAs.

The Goa Tax on Infrastructure Act, 2009 was enacted for levying tax for providing infrastructure required for development which included potable water, electricity and other amenities. At present the Act exempts smaller constructions of independent units for domestic purpose for a built up area of 100m² and the rate of tax levied Rs. 200 per square metre of built up area.

The Bill seeks to exempt building constructed for housing for locals under the Government Scheme from the levy of Tax on Infrastructure.

This Bill seeks to achieve the above objects.

Financial Memorandum

Financial implications will be involved as and when the housing Scheme is framed and implemented by the Government and the same cannot be quantified at this stage.

Memorandum regarding delegated legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa.
13th December, 2017.

VIJAY SARDESAI
Hon. Minister for
(TCP)

Assembly Hall,
Porvorim, Goa.
13th December, 2017.

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

ANNEXURE

Extract of Section 2 of The Goa Tax on Infrastructure Act, 2009 (Goa Act 20 of 2009)

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

(a) “built up area” means all areas which are built upon and essentially forming part of the building/buildings and includes,—

(i) floor area i.e. covered area of the building/buildings in all floor levels added together;

(ii) balcony/verandah/passages/lobby;

(iii) mezzanine floor;

(iv) swimming pool whether covered or uncovered;

(v) staircases including fire escape staircase, ramps (internal and/or external);

(vi) lift area at one level;

(vii) atrium/podium;

(viii) terraces at intermediate floors; and

(ix) equipment room, generator room, security room; but does not include areas of open terraces on the top most floor of the building/buildings, un-storeyed porch, septic tanks, soak pits, sewage treatment plants, man holes, drainage, gutters, chambers, wells, fountains, steps, water tanks, sumps, rain water harvesting tanks, structures for handling/sorting of waste having a height of not more than 2.5 meters and having opening on at least two sides, pump house admeasuring an area not exceeding six square meters, swing frames, compounds and gates;

(aa) “classification of land” means the classification assigned to land by zoning or use;

(b) “commercial building” means a building or structure consisting of shop, godown or office premises, either on ground floor or any other floor, used wholly or partly for business activities;

(c) “competent authority” means such authority or officer of the Government, as the Government may, by notification in the Official Gazette, specify;

(d)

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

(f) “industrial building” means any building or structure constructed for the purpose of carrying out medium and large scale industrial activities within or outside the areas earmarked and notified as industrial estates/areas, but does not include building constructed for carrying out small scale industrial activity;

(g) “infrastructure” means the provision of potable water, electricity and other amenities like roads, drains, foot paths, sewerage system, etc.;

(h) “local authority” means a Municipal Council constituted under the Goa Municipalities Act, 1968 (Act No. 7 of 1969) or a Panchayat constituted under the Goa Panchayat Raj Act, 1994 (Act No. 14 of 1994) or a Municipal Corporation constituted under any law and includes the Goa Industrial Development Corporation constituted under the Goa Industrial Development Act, 1965 (22 of 1965);

(i) “notification” means a notification published in the Official Gazette;

(ia) “other building” means a building or structure other than residential building, commercial building, industrial building and other industrial building;

(ib) “other industrial building” means any building or structure constructed for the purpose of carrying out small scale industrial activity within or outside the areas earmarked and notified as industrial estates/areas and includes building or structure constructed for carrying out the activity by ‘small scale industrial undertaking’ as defined in clause (j) of section 3 of the Industries (Development and Regulation) Act, 1951 (Central Act 65 of 1951) and/or the notification/order issued thereunder or by ‘micro enterprise’ or ‘small enterprise’ as defined in clauses (h) and (m) respectively, of section 2 of the Micro, Small and Medium Enterprises Development Act, 2006 (Central Act 27 of 2006);

(j) “prescribed” means prescribed by the rules made under this Act;

(k) “residential building” means any building or structure consisting either of a single self contained unit having built up area of more than 100 square meters or more than one independent unit used for domestic purpose but does not include building constructed for educational institution, orphanage, old age home, home for spastic/retarded children or by any other non-profitable organization and such other organizations as may be notified by the Government in public interest;

(l) “Schedule” means the Schedule appended to this Act.

LA/LEGN/2017/2516

The following bill which was introduced in the Legislative Assembly of the State of Goa on 14th December, 2017 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 Agricultural Produce Marketing
(Development and Regulation)
(Amendment) Bill, 2017**

(Bill No. 28 of 2017)

A

BILL

further to amend the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Agricultural Produce Marketing (Development and Regulation) (Amendment) Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 12.*— In section 12 of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007) (hereinafter referred to as the “Principal Act”), for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Subject to the provisions of sub-section (2), the Marketing Board shall consist of the following eighteen members, namely:—

(a) Twelve agriculturist members to represent agriculturists, one from each taluka of the State of Goa, to be elected by the agriculturists only from the respective taluka;

(b) two female agriculturists members, one each from the North Goa District and the South Goa District, to be elected by the agriculturists only in the manner prescribed;

(c) one trader holding "A" or "B" class licence to be elected from amongst traders of all classes;

(d) two members to be nominated by the Government, one being from the office of the Registrar of Co-operative Societies, Government of Goa, and other being from the Department of Agriculture, Government of Goa, to function during the term of the Marketing Board;

(e) the Secretary of the Marketing Board, to function during the term of the Marketing Board."

3. *Amendment of section 13.*— In section 13 of the principal Act, in sub-section (2), for the second proviso, the following proviso shall be substituted, namely:—

"Provided further that person who is a member of the Marketing Board by virtue of he being a representative of traders shall hold office so long as he continues to hold "A" or "B" class licence."

4. *Amendment of section 20.*— In section 20 of the principal Act, for the expression "clauses (a), (b), (d), (f) and (g)", the expression "clauses (a) and (b)" shall be substituted.

5. *Amendment of section 42.*— In section 42 of the principal Act, for the expression "The Marketing Board may employ a Secretary" the expression "The Marketing Board shall employ an official deputed by the Government from the Registrar of Co-operative Societies, not below the rank of Assistant Registrar of Co-operative Societies", shall be substituted.

6. *Amendment of section 51.*— In section 51 of the principal Act, in sub-section (4), after clause (iii), the following clause shall be inserted, namely:—

"(iv) the applicant has not traded in notified agricultural produce during the period of licence."

Statement of Objects and Reasons

The Bill seeks to amend sub-section (1) of section 12 of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007) (hereinafter referred to as the "said Act") so as to discontinue membership of elected representatives of Co-operative Societies dealing in notified agricultural produce, cashew growers, horticulturists, floriculturists on the Marketing Board, as their voting rights are already included in voters list of agriculturist for the general election to the Marketing Board. The amendment to sections 13 and 20 are consequential in nature.

The Bill further seeks to amend sub-section (1) of section 42 of the said Act, so as to make provision for appointment of an official from Registrar of Co-operative Societies, not below the rank of Assistant Registrar of Co-operative Societies as Secretary of the Marketing Board.

The Bill also seeks to amend sub-section (4) of section 51 of the said Act, so as to not allow renewal of licence of person who does not deal in notified agricultural produce during the term of his licence.

This Bill seeks to achieve the above Objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum regarding delegated legislation

No delegated legislation is envisaged in this Bill.

Porvorim, Goa. 13th December, 2017. MANOHAR PARRIKAR
Minister for Co-operation

Assembly Hall, Porvorim, Goa. 13th December, 2017. N. B. SUBHEDAR
Secretary to the Legislative Assembly of Goa

ANNEXURE

**Extract of the Goa Agricultural Produce
Marketing (Development and Regulation)
Act, 2007 (Goa Act 11 of 2007)**

Section 12. Constitution of the Marketing Board.—

(1) Subject to the provision of sub-section (2), the Marketing Board shall consist of the following twenty three members, namely:—

(a) Twelve agriculturist members to represent agriculturists from each taluka of the State of Goa, to be elected by the agriculturists only from the respective talukas;

(b) two female agriculturists members, one each from the North Goa District and the South Goa District to be elected by the agriculturists only in the manner prescribed;

(c) two traders holding “A” or “B” class license to be elected from amongst traders of all classes; one from North Goa District and another from South Goa District;

(d) one Chairman of a co-operative society registered in the State of Goa, having a valid license from the Marketing Board, doing the business of notified agricultural produce in the market area, to be elected from amongst the Chairmen of co-operative societies;

(e) two members to be nominated by the Government, one being from the office of the Registrar of Co-operative Societies, Government of Goa, and other being from the Department of Agriculture, Government of Goa, to function during the term of the Marketing Board;

(f) two cashew grower members, one each from the North Goa District and the South Goa District, to be elected by the cashew grower of the respective District from amongst themselves;

(g) one horticulturist/floriculturist member, to be elected, by rotation, by the horticulturist/floriculturist of the State of Goa;

(h) the Secretary of the Marketing Board to function during the term of the Marketing Board.

Section 13. Election and term of office of members.— (1) The members shall be elected in the prescribed manner. Such rules may also provide for the determination of constituencies, the preparation and maintenance of the list of voters, persons

qualified to be elected, disqualifications for being chosen as, and for being a member, the right to vote, the payment of deposit and its forfeiture, the determination of election disputes and all matters incidental and ancillary thereto, including provisions regarding election expenses.

(2) Except as otherwise provided in this Act, the members of the Marketing Board (not being a Marketing Board constituted for the first time) shall hold office for a period of five years and the members of the Marketing Board constituted for the first time shall hold office for a period of two years:

Provided that, where the general elections of the members of Marketing Board could not be held before expiry of the term of office of its members as aforesaid, the Government may, by order published in Official Gazette, extend from time to time, the term of office of the members of the Marketing Board, so however that, the period for which the term of office is so extended shall not exceed the period of one year in the aggregate:

Provided further that person who is a member of the Marketing Board by virtue of he being a Chairman of a Co-operative Society, shall hold office so long as he continues to be such Chairman and in case of a member who is a representative of traders shall hold office so long as he continues to hold “A” class licence.

(3) The names of all the members of the Marketing Board shall be published by the Government in the Official Gazette and upon such publication, the Marketing Board shall be deemed to be duly constituted.

Section 20. Election of Chairman and Vice-Chairman.— The meeting of the Marketing Board shall be presided over by the Chairman and in the absence of the Chairman, by the Vice-Chairman. The Chairman and the Vice-Chairman shall be elected by the members of the Marketing Board, excluding the Secretary of the Marketing Board and the Government nominees. Only the members as mention in clauses (a), (b), (d), (f) and (g) of sub-section (1) of section 12 shall be eligible to contest the elections for the post of Chairman or the Vice-Chairman.

Section 42. Power of the Marketing Board to employ staff.— (1) The Marketing Board may employ a Secretary and such other Officers and servants as may be necessary for the Management of the Market and for the collection, maintenance, dissemination and supply of information relating to crops, statistics

and Market intelligence and for carrying out its duties under this Act and shall pay such Officers and servants such salaries and allowances, pension or gratuity as the Marketing Board thinks fit and shall contribute to any provident fund and pension fund which may be established for the benefit of such employees:

Provided that all posts other than that of a Secretary, save as such general or special directions issued by the State Marketing Officer in this behalf, shall be created with the prior approval of the State Marketing Officer.

(2) The Secretary of the Marketing Board shall be the Chief Executive Officer and the custodian of the records and properties of the Marketing Board who shall exercise such powers as are conferred and perform such duties as are imposed upon him by or under this Act.

(3) The powers conferred by this section on the Secretary of the Marketing Board shall be exercised subject to any rules which may be made in that behalf by the Government.

Section 51. Registration of functionaries.— (4) The Marketing Board may refuse to register or refuse to renew the registration on any of the following grounds:—

(i) the applicant is a minor or the application is not bonafide;

(ii) the applicant has been declared defaulter under any Act or rules or bye-laws made thereunder;

(iii) the applicant has been found guilty under this Act.

Assembly Hall, Shri NILKANTH SUBHEDAR,
Porvorim, Goa. Secretary to the Legislative
13th December, 2017. Assembly of Goa.



Department of Industries

—
Notification

3/12/2017-IND

Sub.: Goa Tribal's Employment Generation Programme (GTEGP) SCHEME, 2017.

1. *Introduction.*— 1.1 The scheme is named as "Goa Tribal's Employment Generation Programme (GTEGP) Scheme". The scheme is notified in view of the direction of Planning Commission, Government of India to direct benefits to the families of Scheduled Tribes.

1.2 Goa State has around 1,80,000 Tribal population (12%) notified under the communities of Gauda, Kunbi and Velip living in almost all talukas. The families of these communities live in the remote foot hill areas of Western ghats, rural areas, villages, semi urban and urban areas who primarily have an agrarian economy. The school drop outs, unemployed female and male persons are to be provided with entrepreneurship skills to take on the challenges of life in the present industrialized economy of the State. They should be guided and provided with monetary and material facilities to come out of poverty, to get self-employed and to generate employment among the Tribal Communities of the State.

2. *The objectives of the Schemes are.*— (1) Improve Entrepreneurship Skills.

(2) Self Employment and Generation of employment.

(3) Improvement in living conditions, and upliftment.

(4) Flow of funds to the target families from Government schemes.

(5) Long term sustainable economic activities in the villages.

(6) Tribals to catch up with changing economy of the Industrialized and Tourist destination State.

(7) Exposure to inter-institutional financial facilities and entrepreneurial activities.

(8) Co-operativisation of enterprises and co-ordinations.

3. *Eligibility.*— (1) Any individual who has studied upto 4th Std. and above, and of 18 years of age but not above 45 years of age.

(2) The applicant must be a member of Tribal Community notified by the Government of Goa.

4. Ventures for GTEGP.—

4.1 The ventures for GTEGP are:—

(i) Micro and Small Manufacturing Enterprises.

(ii) Service Enterprises.

(iii) Trade Enterprises.

(i) *Micro and Small Manufacturing Enterprises.*— An applicant desirous of producing food products, domestic instruments made of metal and plastic, school uniforms, police uniforms, ancillary products for big Industrial Units, rice and flour mill, making of poultry and cattle feed or any other suitable industrial activity, can set up a manufacturing unit in his house campus or in a community industrial shed constructed by the Panchayat or Co-operative Society as a cluster etc. The cost of project includes the value of shed.

(a) *Extent of Assistance.*— Under this category, enterprises can avail a maximum loan of Rs. 25 lakhs and avail 40% subsidy. Such an enterprise cannot be transferred to any other person during the subsistence of the loan.

(ii) *Service Enterprises.*— Activities under service enterprises like taxi or motor bike service, taxi car, passenger rickshaw, goods carrier, modern saloon, beauty parlour, motor bike and car workshops, tyre vulcanizing, truck and bus workshop and similar activities are included. The project cost includes the cost of shed.

(a) *Extent of Assistance.*— Under this category an enterprise can avail loan upto Rs. 15 lakhs and further avail 40% subsidy. Such an enterprise cannot be transferred to any other person during the subsistence of the loan.

(iii) *Trading Enterprises.*— Trading enterprises include buying and selling of products like setting up of grocery shops, tyre shops, stationery shops, hotel, tea shop, electrical goods shop, plumbing materials shop, purchase of agricultural products from villages and selling to the city markets etc. or any other suitable trading activity including electronic goods and medical stores etc.

(a) *Extent of Assistance.*— The amount of loan available is up to Rs.15 lakhs to open such an activity, and further avail subsidy upto 40% of the project cost. The value of shop, fittings, furniture etc., can be included in the project cost. Such an enterprise cannot be transferred to any other person during the subsistence of the loan.

5. Implementing Agency.—

5.1 The DITC will get the funds/ /subvention sanctioned from Government and place the same at the disposal of EDC Ltd. The Directorate of Industries, Trade & Commerce shall transfer all the pending applications received from the previous implementing agency to EDC Ltd.", which shall be scrutinized and disbursed as per the guidelines of this scheme by EDC Ltd.

6. Mode of placing funds to EDC Ltd.—

6.1 The demand for initial funds will be signed by the Managing Director, EDC, Ltd. and submitted to DITC. The subvention will be sanctioned by the Government and disbursed immediately in favor of EDC Ltd. The initial amount shall be Rs. 2 crores to operate the scheme. Once the amount of Rs. 2 crores is exhausted and if more applications for financial assistance are received or anticipated, EDC Ltd. can place claim for more funds upto Rs. 3 crores with the resolution of the Board. The DITC shall seek administrative approval and expenditure sanction as and when the

demand is placed by the EDC, and place the approved funds at the disposal of EDC Ltd. The fund requirement of the EDC Ltd. from Directorate of Industries, Trade & Commerce may be adjusted with the amount repaid/recovered from beneficiaries of earlier years and can be reused to finance the new beneficiaries.

7. *Submission of applications.*—

7.1 The applications for financial assistance shall be received by EDC Ltd. alongwith the relevant documents. The application shall be supported by the following documents:—

- (1) Caste certificate.
- (2) Birth certificate.
- (3) Domicile certificate.

and such other documents, reports required by the EDC Ltd. from time to time.

All necessary application forms shall be devised by EDC Ltd. as required from time to time.

8. *Task Force Committee for GTEGP.*—

8.1 The Task Force Committee is constituted as follows:—

- (1) MD, EDC Ltd.— Chairman
- (2) The Deputy Director, Tribal Welfare or his representative— Member
- (3) Representative of Association of Tribals appointed by the Director, Tribal Welfare— Member
- (4) Deputy Director (Adm.), DITC— Member
- (5) A Chartered Accountant appointed by the Government— Member

9. *Task Force Committee Meeting.*—

9.1 The EDC Ltd. shall fix the date of meeting as required based on the number of applications received, in consultation with the Chairman and members of the Task Force Committee.

10. The loan part of the project shall be repayable in 60 to 120 monthly instalments as may be decided by the TFC after a moratorium of 3 to 6 months.

11. The service charge for the EDC Ltd. is Rs. 30,000 for Rs. 1 crore of subventions for disbursement to beneficiaries and 1% on the recovery amount of interest per year.

12. For the disbursed and outstanding loan amounts with the loanee the rate of interest will be 2% fixed by Government in the subvention sanction order.

13. In case of default in repayment of loan, the amount can be recovered as arrears of land revenue or under The Goa, Daman & Diu Public Moneys (Recovery of Dues) Act and Rules and any other relevant rules thereof.

14. The EDC Ltd. Shall furnish half yearly statement to DITC showing the amounts received from the Government and disbursed, subsidy allowed, amount recovered, interest collected and service charges debited. The Funds Utilization Certificate for Subsidy component shall also be submitted regularly.

15. Incase the applicant has not undergone Entrepreneurship Development Programme they shall undergo EDP within 6 months from the date of sanction conducted by EDC Ltd.

16. The subventions to EDC Ltd. and other expenditures related to the GTEGP will be debited from the Major Head:—

Demand No. 19.

4851— Capital Outlay on Village and Small Industries;

796— Tribal Area Sub Plan;

01— Scheduled Tribe Development Scheme (Plan);

55— Loans and Advances.

17. The prospective applicants may avail pre-entrepreneurship counselling from the concerned officer in the office of EDC Ltd.

18. The repayment and recovery of loan instalments will be in the Equated Monthly

Instalments and no penal interest may be applied.

19. The EDC Ltd. shall decide about the appropriate collateral security, legal documentation and disbursement procedure for the loan disbursed.

20. In the project report of the Micro and Small Manufacturing Enterprises proposals, working capital upto 35% of the cost of the project may be allowed and a fixed capital upto a limit of 65% of the project cost. For all service units and trading units except agricultural produce trading, the goods of trade upto 80% shall be treated as working capital and 20% shall be allowed as fixed capital. In case of agricultural produce trading 100% funds may be allowed as working capital like for selling of fish, vegetables, aracanut, coconut, packed milk, etc. This trading can be financed with carrier rickshaw either with refrigerator or regular one to transport goods.

21. Farming activities, Tobacco products and red category Industries are not eligible for availing benefit under GTEGP scheme.

22. If any question arises, regarding interpretation of any clause, word, expression of this scheme, or any guidelines pertaining to effective implementation of the scheme, the decision shall lie with the Task Force Committee, which shall be final and binding on all concerned.

23. *Saving Clause*:— The recovery of the loans which have been disbursed under the GTEGP vide notification No. 3/106/2011/IND dated 13-12-2012 shall be recovered and remitted to the Government by the TMCCS as per the clauses mentioned in that scheme and the Goa Tribal Employment Generation Programme scheme as notified vide notification stated above shall remain in force for this limited purpose of recovery until the entire process of recovery is completed.

24. This issues in supersession of the Notification 3/106/2011-IND dated 13-12-2012

published in the Official Gazette, Series I No. 42 dated 17th January, 2013.

This has been issued with the concurrence of Finance (Expenditure) Department vide U.O. No. 1400044109 dated 05-12-2017.

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

A. S. Mahatme, Under Secretary (Industries).

Porvorim, 14th December, 2017.



Department of Law & Judiciary

Legal Affairs Division

—

Notification

10/8/2017-LA/209

The Indian Forest (Amendment) Ordinance, 2017 (Ordinance No. 6 of 2017), which has been promulgated by the President on 23-11-2017 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 23-11-2017, is hereby published for the general information of the public.

Julio B. Noronha, Joint Secretary (Law).

Porvorim, 13th December, 2017.

Ministry of Law and Justice

(Legislative Department)

—

*New Delhi, the 23rd November, 2017/
/Agrahayana 2, 1939 (Saka)*

The Indian Forest (Amendment) Ordinance, 2017

No. 6 of 2017

Promulgated by the President in the Sixty-eighth Year of the Republic of India.

An Ordinance further to amend the Indian Forest Act, 1927.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Indian Forest (Amendment) Ordinance, 2017.

(2) It shall come into force at once.

2. *Amendment of section 2 of Act 16 of 1927.*— In the Indian Forest Act, 1927, in section 2, in clause (7), the word “bamboos” shall be omitted.

RAM NATH KOVIND
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



Department of Science, Technology &
Environment

—
Goa State Solar Policy, 2017

1. *Preamble:*— Solar energy is the most secure of all energy sources. It is abundantly available. It can be easily converted into electrical energy. Production of electrical power and its easy availability at regulated rates is an established benchmark of development. No major economic activity can be sustained without adequate and reliable sources of power. The challenges of Climate Change and Global Warming resulting from burning of fossil fuels are continuously threatening the world community. Solar Power generation offer an environmentally safe and sustainable alternative.

Goa is richly endowed with moderate climate and bright sunshine for almost 8-9 months in a year for generating solar power. The State of Goa entirely depends on thermal energy generated in other States. Goa being eco-sensitive, no Thermal Energy generation is possible in the State. Hence in order to attain self-reliance in Power generation and to promote clean source of Power, Solar Policy is

being adopted. This would result in reduction of carbon emissions.

The challenge before the State Government is not only to meet the ever growing demand for power but also to progressively increase the share of Renewable Sources in the energy - mix so as to achieve overall energy security and also to meet the Renewable Purchase Obligation (RPO) as per the target fixed by appropriate authorities from time to time. It can be done by promoting the systematic tapping of the solar energy potential to the maximum. Technological improvements have now made generation of solar energy economically viable and would lead to reduction of expenditure of the State in purchase of Conventional Power from the Grid.

An appropriate policy framework is therefore essential to promote the Solar Energy generation initiatives. Therefore, the State Government is pleased to introduce the “Goa State Solar Policy - 2017”, as under:

2. *Title of the policy:*— This policy shall be known as the “Goa State Solar Policy - 2017”.

3. *Legislative framework for policy:*— Several provisions under the Electricity Act, 2003 mandates the Electricity Regulatory Commissions and the Government’s to take the necessary steps for promotion of renewable energy. The Section 108 and Section 109 of the Electricity Act, 2003 mandates the Government to give directions to the State Commission in the matter of policy involving public interest. Accordingly, the State Government in exercise of its powers has formulated this Policy.

4. *Operative period:*— This policy shall come into effect from the date of notification in the Official Gazette in the State of Goa and shall remain in operation up to 7 (seven) years. However, this is subject to modifications as may be made by Government of Goa from time to time, without jeopardizing the already signed Agreement or MOU. Even though, the policy will be in operation for 7 years, all Agreements

and PPAs signed under this policy shall be valid for the period of Agreement/PPA.

5. *Category for generating solar power:—*

(5.1) *Category I: Prosumer*— “Prosumer” is a Consumer having an already connected load with the Goa Electricity Department (GED) and is also a Producer of Solar Power. Prosumer is categorised into two types namely Small and Large.

(a) Small Prosumer is a person already having an LT connection i.e. connected load upto 100kW with GED. It will include Residential, Commercial, Institutional or Industrial consumers. They are allowed to go for Gross metering upto 100kW or the connected load, whichever is lower. The feed in tariff will be as per the Joint Electricity Regulatory Commission (JERC) approved solar tariff rates for that year. The solar power plant can be installed on rooftop or ground based within the same premises. The area/boundary of the premises will be as existing on date of Notification of this policy. However, the Small Prosumer is also allowed to opt for Net metering, if he chooses so.

(b) Large Prosumer is a person having an HT connection i.e. connected load above 100 kW with GED. It will include Residential, Commercial, Institutional or Industrial consumers. All large prosumer shall be allowed to go for Net metering only. The feed in tariff will be as per JERC approved solar tariff rates for that year for the surplus energy exported as per the net metering mechanism of JERC. The solar power plant can be installed on rooftop or ground based within the same premises. The area/ /boundary of the premises will be as existing on date of Notification of this policy.

(5.2) *Category II : Producer*— The Producer is an entity intending to set up a Solar Power

plant with a capacity of more than 100kW exclusively for sale of power to the Distribution Licensee under gross metering as per the tariff discovered by Reverse Bidding. The solar power plant can be installed on rooftop or ground based. Producers are allowed to participate in reverse bidding for four sizes of installation i.e. (i) 100kW to 1MW, (ii) 1MW to 5MW, (iii) 5MW to 10MW and (iv) 10MW & above. The producer will be selected through Reverse Bidding on the basis of the maximum discount offered on the levellised tariff fixed by the JERC for the solar power plant for that year. At the above discovered price of Solar tariff for that slab/size, the GED will enter into a Power Purchase Agreement (PPA) with all intending producers subject to availability of infrastructure for evacuation of power.

I. *Norms/Conditions Applicable for Reverse Bidding:—* In order to keep away speculative bidding and to ensure participation of only serious power producers, following conditions for bidding shall apply:—

i. *Price:* Price for supply of solar power shall be as per the discount offered on the levellised tariff rate as declared by JERC and duly notified as on the last date of responding to the Expression of Interest (EOI)/bidding.

ii. *Eligibility:* Besides other General Condition of EOI/bidding, only those who have firm proof of land in their ownership or NOC/confirmation from the owner of the land regarding his intention to lease out the land to the bidder (in case of bidder being successful in the bid) for a period equal to or more of the period of PPA shall be considered.

iii. The term for starting of supply from completion of bidding process & execution PPA shall be as mentioned at point No. 12 of this policy.

iv. The solar capacity to be approved for each year for all the 04 slabs as mentioned above at para 5.2 shall be separately notified by the Government at the time of bidding. However, an information on future requirement for 5 yrs. will be indicated. The lowest bidder in each slab shall have the right to go for PPA for the whole capacity allocated to that slab. In case he desires to restrict to only his quoted capacity in the bid, then other bidders in that slab will be given the option to match the L1 rate. In case they agree for the same, then PPA at L1 rate upto allocated capacity of that slab will be entered with them. In case there are more bidders than the allocated capacity in that slab, then priority will be given in terms of next lowest bidder and so on i.e. from L1 to L2 to L3 and so on till the whole capacity in the slab is exhausted. In case even after signing of PPA with all bidders in that slab, the capacity is still left, then only non-bidders will be given the option to enter into PPA at L1 rate at the discretion of the Government.

v. Permissible delays and Penalty thereof:—

(a) Any delay though condoned, shall not increase the period of PPA. Thus while delay could be permitted to the extent permissible on payment of penalty, the total time frame of PPA shall remain unaltered.

(b) Maximum delay permissible to start the supply shall be 12 months. However, the State Government at its discretion may permit further delay of upto 12 months on payment of twice the penalty levied for the 1st delay permitted, prorata to the delay time on day basis. Provided that in spite of delays of first 12 months as permitted and subsequent discretionary

delay, if permitted by Government of Goa, do not result in supply, then the PPA stands null & void and all Bank Guarantees shall be encashed.

(c) The supplier shall give notice of his intention of supply three months prior to date as scheduled in PPA. Failure to give this notice will automatically be considered as delay until the notice is received for 90 days for intention to begin supply. Delay accordingly will be calculated in days and penalty will be imposed as per rules.

(d) For supply to be considered as valid supply, atleast 50% of power as per PPA should be made available. Failure will be treated as breach of contract & one month supply value equivalent BG will be encashed or penalty imposed. However the supply will be paid at the contract rate.

(e) Upto 10% lower supply quantum will not attract penalty. Anything above 10% & upto 50% will be levied penalty at 5% of value of supply that is missing above the 10% threshold.

(f) For delay upto 12 months, the bidders shall pay penalty equal to 5% of value of energy committed for every day of delay. For delay upto next 12 months (if approved by Government), the penalty will be at twice the rate as already mentioned at point (b) above.

(g) The bidder will have to provide 6 BGs each equivalent to 30 days supply for the capacity of the plant size he has quoted based on his own expectation of generation. The bidder shall clearly mention the size of the plant he plans to install and the minimum average units per KW per month that he commits to be

generated from the same. This will be the basis for calculation of his value of BGs and penalties, if any, in case of default.

(h) PPA shall not take into consideration the rainy season wherein supply as available will be considered for payment and above clauses (a) to (g) shall not be applicable. The start of rainy season shall be date of onset of monsoon as declared by Meteorology or the day in June when seasons rains cross 15 cms. whichever is early & will last for purpose of this PPA for 75 days from that date.

(i) The BG submitted shall be valid for atleast 02 years. Out of six BG two BG (of one month each) shall be kept valid throughout the period of PPA, failing which equivalent amount of billing will be frozen. The B/L BG shall be returned after 6 month of successful operation (6 month of Non default operation after commissioning) or validity of BG whichever is later and the operator is required to extend the BG till such condition is achieved in case the same happens after 02 years.

(j) Both the penalties i.e. for delay in supply or for short supply, shall be levied simultaneously if there is a default on both the accounts. However, in case one month BG is encashed in any month because of short supply, then no other penalty in that month shall be imposed to save the bidder from double whammy.

6. Solar Power Plants under Renewable Energy Certificate (REC) Mechanism:— The State Government shall promote the development of solar power plants under the Renewable Energy Certificate mechanism specified by the Central Electricity Regulatory Commission. Under the REC mechanism the producer will set up the solar plant and sell

the power to GED at average power purchase cost. The solar power generator will be permitted to sell the REC as per the market mechanism. The State shall not claim any benefit for REC.

7. Third Party Sell Solar Power:— The State shall promote development of solar power plant sale of electricity to third party other than GED. The producers who are intending to set up the solar power plant within the State and sell the solar power so generated to the third party beside GED would have their own private power purchase agreement with any third private party. The producer will have to pay the wheeling charges as per JERC rates. However, the State Government/GED reserve the right to procure 10 percent of the power so generated at the agreed price between solar producer and third party buyer or at JERC tariff for that year or the reserve bidding price identified for that plant size, whichever is lower.

8. Roof top Solar Power Generation through RESCO:— Under the Renewable Energy Service Company (RESCO) model instead of prosumers the RESCO will invest on behalf of one or more roof top owner in the housing colony, towns, etc., on their roof tops and will sell the power so generated to GED. The owners of the rooftops will have their own agreement with the RESCO. The GED will enter into the power purchase agreement with the RESCO for 25 years for the purchase of power at JERC approved solar tariff rates in that year.

9. Land:— Producer should identify suitable Rooftop or Private land for atleast 25 years for their projects within the State of Goa.

a) To generate solar power, conversion of land is not needed. However, the Rooftop identified shall be a legally approved structures only.

b) 2% of the total area can be used for construction, operation and Office set up subject to a maximum of 200 sq. mtrs./per MW.

c) No Town & Country Planning (T&CP) permission will be required for setting up of solar farm including construction for operational space as mentioned at (b) above.

d) For the rooftop installation of 100kW and above, the building structure needs stability certificate from PWD/Chartered Engineers. Apart from structural stability certification, nothing else is required.

e) No Gram Panchayat/Urban Local body/T&CP Department Construction licence/NOC/Completion certificate will be required.

f) For Comunidade land, the lease rent agreed to between the solar power producer and the Comunidade will have to be approved by General Body of the Comunidade and the State Government.

g) Separate Policy will be formulated for the allotment of Government land and or buildings.

10. *Subsidy/Incentives:—*

a) The Subsidy received from the Government of India will be credited to the prosumer/developer as per the guidelines of Ministry of New & Renewable Energy (MNRE).

b) For Small Prosumers i.e. for solar plants of upto 100kW size, the State Government shall grant 50% of the Capital Cost or the benchmark cost provided by MNRE whichever is lower, as interest free loan, which will be recovered in instalments after six months onwards, from the time power

flows into grid. The recovery will be made from the payment to be made to the generator for every kWh supplied to the grid. The recovery will be at Rs. 4 per kWh or JERC feed in tariff rate whichever is less.

c) The State Government shall provide a subsidy of 30% of capital cost or the benchmark cost provided by MNRE, whichever is lower, for plants of size upto 100kW for the standalone systems including the cost of battery (Off-grid Systems) which will be released by way of Rupee 1 for every unit of power generated and will be paid once in six months. A sealed tested Energy meter form GED is required to be installed at the generation side to measure the solar power generation. No payment shall be made to such producer under Net/Gross metering to avoid possibility of Double benefit.

d) For Small Generators, the meters will be rented out on payment of monthly fees. In case of Large Generators, the certified/ /approved meters shall be procured at their cost.

11. *Grid Connectivity, Safety and Billing Cycle:—* The cumulative solar capacity allowed at a particular Distribution Transformer (DT) shall not exceed the 30% of the peak capacity of the DT. GED will undertake power cable connectivity and charge it to the installer with due installation charges.

The Billing cycle for large prosumers will be monthly and the settlement period will be six months basis. However for the educational institutions, it will be annual from April onwards. The billing cycle for small prosumers and for producers shall be on monthly basis and their settlement will be within next 30 days.

For all the grid connected and battery backup stand-alone installations, all the instrumentation, operating unit specifications and safety norms will as per the guidelines of JERC and MNRE but State specific. These will be specified, reinforced and checked periodically by GED.

12. *Administrative Modalities:*— Every Prosumer and Producer in the State will have to enter in PPA with the GED for the period of 25 years and the tariff will remain fixed for the period and required to submit account of the power generated annually before year end.

The disputes related to the power sale to GED will have to be settled through the empowered committee constituted by the State as notified.

The Prosumer shall have the right to terminate the PPA at any time by serving a written notice of 90 days in advance to the GED.

All the Solar/RE power projects will have to be initiated through GEDA, the MNRE nodal agency which will serve as single window dealing with projects.

13. *Roll of State Nodal Agency Geda:*—

(a) *Announcement of Scheme:* The Nodal Agency shall bring out a comprehensive scheme to implement the targets of Renewable Energy (RE). The scheme should elaborate the appropriate process for invitation of bids/applications, incentives and central financial assistance, if any, targets, implementation mechanisms etc.

(b) *Allotment of the Solar Power Capacities:* The Nodal Agency shall, from

time to time, undertake the process for allotment of solar power capacities to the project developers. The Nodal Agency in consultation with the related stakeholders shall announce the process for allotment of solar power capacities.

(c) *Facilitation in Development of Solar Power Plant:* The Nodal Agency shall, facilitate the project developers in Setting up of solar projects including sanctions/ clearances from number of Government agencies/departments. The State Government will provide requisite clearances through a “Single Window Clearance Mechanism”. It will be operated through GEDA.

(d) *Identification of Government Land and Facilitation of its allotment for Solar Power Plant Development:* The Nodal Agency shall identify Government land and shall co-ordinate with the Government departments, prepare transparent procedure, take necessary approvals and clearances for the allotment of Government Land to the project developers for the development of power plant subject to policy formulated by Government as per 9(g).

(e) *Support in availing the Subsidy:* The Nodal Agency shall facilitate the prosumer/ producer to avail the subsidy, if any, available from Central and/or State Government.

(f) *Capacity Building & Awareness:* The Nodal Agency shall organize Capacity Building & Training Sessions for participation by the segment stakeholders. The Nodal Agency shall also take necessary steps in creating awareness among the citizens of the State.

(g) *Co-ordination with MNRE for Technical Specification:* The State shall follow the technical specifications and standards as specified by the MNRE, from time to time. The Nodal Agency shall provide its inputs to the MNRE for specifying new standards or amending existing technical specifications for different component of solar plant photovoltaic.

14. *Role of Department of Electricity, Goa:*— The Department of Electricity, Goa State also referred as GED shall extend their support and guidance to the eligible entities installing solar power plant and their connectivity with their electricity system.

The Department shall comply with the regulatory framework specified by JERC and provisions contained in this policy only if they are not contradicting the JERC regulations. Its role includes:

(a) To provide banking facility for solar energy, incentives in the form of exclusion from open access charges, wheeling charges, T & D loss for solar power.

(b) To conduct feasibility study for evacuation facility and connectivity with the local grid facility.

(c) The voltage of evacuation of electricity generated, from the solar power plant shall be governed by the directions of the JERC. The evacuation infrastructure for the solar power plant wherever necessary shall be developed and augmented, by the Department of Electricity as per the JERC regulations in force.

(d) Electricity Department will conduct supervision, safety check and extend technical support to Developers wherever the evacuation line is laid from site of power production to the nearest grid connectivity point as per the JERC regulations in force.

15. *Time frame for Implementation of Project:*— For solar projects beyond 100kW capacity proposed under Reverse Bidding, the time schedule of completion will be from the date of approval by the GED is as follows:—

Plant Capacity	Time Schedule
100kW – 1MW	240 Days
1MW – & above	1Year

unless specifically provided for in the bid document.

16. *Empowered Committee:*— To oversee, monitor and resolve various issues arising out of this policy and disputes settlements, an Empowered committee will be constituted under the Chairmanship of the Secretary (NCES) of the State. The committee shall have following members.—

Secretary, NCES	: Chairman
Jt. Secretary (Finance) or Rep. not below Under Secretary	: Member
Chief Electrical Engineer, GED	: Member
Director, WRD	: Member
Director, Science & Technology or his Rep. not below Dy. Director	: Member
Director (Accounts)	: Member
Member Secretary, GEDA	: Member Secretary.

The Chairman of the Committee is empowered to co-opt subject matter experts if required. The committee shall be authorized to deliberate and decide on aspects related to implementation of this policy on its own motion or on the written representation by the stakeholders. It can take help/assistance of Technical experts as Consultants on payment basis for the same. The Government reserves the right to change any of the provisions of this policy giving 30 days public notice. However, the said changes will not have any retrospective effect and will not have any effect

on the agreements already entered in by Solar producers with GED or any other State Government Department/Organisation.

In case of any dispute with regard to this policy wherein the policy is silent, then provision of Indian Electricity Act as amended from time to time shall apply.

17. *Power to remove difficulties*:— In case of any difficulty arising in implementing this

policy the Government [Min (Power) with approval of Chief Minister] may clarify subject to condition that no such clarification will impact already signed contracts.

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

Levinson Martins, Director/ex-officio, Joint Secretary (Science & Technology).

Porvorim.

www.goaprintingpress.gov.in

Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 26.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—339/200—12/2017.