

The Goa Land (Prohibition on Construction) Act, 1995
(Goa Act No. 20 of 1995) [25-8-1995]

AN
ACT

to provide for prohibition on construction of a building, structure, etc. on certain lands in the State of Goa.

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

1. Short title and commencement. — (1) This Act may be called the Goa Land (Prohibition on Construction) Act, 1995.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. Interpretation.— Unless there is anything repugnant in the subject or context, the words and expressions used in this Act shall have the same meaning as assigned to them in the Goa, Daman and Diu Municipalities Act, 1968 (Act 7 of 1969), the Goa Panchayat Raj Act, 1994 (Act 14 of 1994) and the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975).

3. The provision of this Act to be in addition to any other law for the time being in force. — Nothing in this Act shall be deemed to affect the operation of any other law and the provisions of this Act shall be in addition to and not in derogation of the provisions of such other law.

4. Restriction on construction on certain lands.— No person shall on and from the date of commencement of this Act, undertake any work of construction of any structure, building, hut or other structure or any part thereof on any land belonging to the Government, a local authority or a Comunidade except under the authority of written permission granted by the concerned authority.

Explanation.—(1) “Comunidade” means the Comunidade established under the Diploma Legislative No. 2070 dated 15-4-1961.

(2) Any construction intended for temporary use of not more than fifteen days in connection with any festivities or religious activities shall not be deemed to be a construction for the purpose of this section.

¹[(3) The land belonging to the Government includes land leased by or belonging to corporation, autonomous body and institutions belonging to and/or controlled by the Government.]

5. Penalty.— (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, whoever contravenes the provisions of section 4 shall, on conviction, be punished with imprisonment which may extend to²[three years or with fine which may extend to Rs. 50,000/- or with both]

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

³[(3) If any authority as mentioned in sub-section (1) of section 6, after receiving the information of any contravention of the provisions of this Act, without sufficient cause fails or neglects to take any action as provided in this Act within such period as may be specified by the Government by notification in the Official Gazette, the officer in charge of such authority shall be liable to a fine of Rs. 50/- per day of delay in taking such action, subject to a maximum of Rs. 5000/-, upon conviction by the Judicial Magistrate First Class, after a complaint in that regard is filed by the Government.

Explanation: —(1) “Complaint” as mentioned in this sub-section shall be filed by the concerned Administrative Secretary of the Government or by such officer as may be authorized by the Government in this behalf:

Provided that nothing in this sub-section shall prevent the concerned disciplinary authority from initiating disciplinary proceedings against such officer for such failure or neglect.

(4) Notwithstanding anything contained in sub-section (3), it shall be mandatory for the authority mentioned in sub-section (1) of section 6 to take action as provided in this Act.]

6. The local authority may remove any unauthorized temporary buildings work. —⁴[(1) The local authority of the area or such authority as specified by the Government in this behalf, may remove or cause to be removed any construction done in contravention of section 4 on the basis of entries in Form I & XIV or the records as maintained under rules 3 and 16 of the Goa, Daman and Diu Land Revenue (Records of Rights and Register of Cultivators) Rules, 1969, that the land belongs to the Government, a local authority and/or a Comunidade, as the case may be:

Provided that, where the Government, a local authority and/or a Comunidade is/are co-occupant/s of the land as per said records, the proceedings under this sections shall be initiated only after partitioning the land and recording the same in favour of the Government, a local authority and/or Comunidade, as the case may be];

(2) All reasonable expenditure incurred by the local authority or such authority as duly authorized by the Government under sub-section (1), shall be recoverable as arrears of land revenue under the law for the time being in force.

5 [(3) if any construction material is found dumped, piled or kept in the land belonging to the Government, a local authority or a Comunidade except under the authority of written permission granted by the concerned authority, the same shall be attached by the authority mentioned in sub-section (1) in such manner as may be specified by the Government by a notification in the Official Gazette, without any notice.].

7. Bar on legal proceedings.— No suit or legal proceeding shall be instituted against the local authority or any officer as duly authorized by the Government in this behalf, in respect of any act in good faith done or intended to be done in pursuance of the provisions of this Act.

⁶[**8. Protection of action taken in good faith.**— No suit, prosecution or other legal proceeding shall lie against any person for anything which is done or intended to be done in good faith under this Act.

9. Bar of suits and prosecution.—No suit, prosecution or other proceedings shall lie against the Government, local authority or Comunidade or any officer of the Government, local authority or Comunidade or against any other person authorised by the Government under this Act, for any act done or purporting to be done under this Act, without the previous sanction of the Government.].

B.S. SUBBANNA,
Secretary to the Government of Goa,
Law Department (Legal Affairs).

Secretariat Annexe,
Panaji.
5th September, 1995.

¹ Inserted vide Amendment Act, 2013.

² Substituted vide Amendment Act, 2013.

³ Sub-section 3 and 4 inserted vide Amendment Act, 2013.

⁴ Sub-section (1) substituted vide Amendment Act 2013.

⁵ Sub-section (3) inserted vide Amendment Act, 2013.

⁶ Section 8 and 9 inserted vide Amendment Act, 2013.