

Panaji, 18th August, 2008 (Sravana 27, 1930)

SERIES I No. 20

OFFICIAL GOVERNMENT OF GOA GAZETTE



EXTRAORDINARY

GOVERNMENT OF GOA

Department of Town and Country Planning

Notification

Ref. 21/1/87-90/TCP/07-08/3135

In exercise of the powers conferred by section 16 read with sub-section (2) of section 140 of the Goa, Daman and Diu, Town and Country Planning Act, 1974 (Act 21 of 1975), and all other powers enabling it in the behalf, the Government of Goa hereby makes the following rules, namely:—

1 *Short title and commencement.*— (1) These rules may be called "the Goa Town and Country Planning (Public projects/schemes/development works by the Government) Rules, 2008."

(2) They shall come into force at once.

2 *Definitions.*— In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975);

(b) "Board" means the Town and Country Planning Board constituted under section 4 of the Act;

(c) "Central Government" means the Government of India;

(d) "Chapter" means a chapter of the Act;

(e) "Clause" means clause of the Act;

(f) "Committee" means a Committee appointed by the Government under rule 3 of these rules;

(g) "Department" means the Town and Country Planning Department of the Government;

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

(i) "Operational construction" means any construction, whether temporary or permanent, which is necessary for the operation, maintenance, development or execution of any of the following services, namely:—

(i) Railways;

(ii) National Highways;

(iii) National Waterways;

(iv) Ports;

(v) Airways and aerodromes;

(vi) Posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication;

(vii) Regional grid for electricity; and

(viii) any other project declared by the Government, by notification in the Official Gazette, after being of the opinion that the operation, maintenance, development or execution of such project is essential to public.

Explanation: For the removal of doubts, it is hereby declared that the construction of new building, new structure or new installation or any extension thereof, as the case may be, used for residential, commercial, institutional, industrial, warehousing other than incidental or auxiliary purposes, shall not be deemed to be

an operational construction within the meaning of this clause;

(j) "Public projects/Schemes/development works" means and includes works undertaken by the Central Government and the Government like State highways, major district roads, other roads, educational institutions/complexes, libraries, community halls, Court buildings, sports complexes with supporting allied/auxiliary facilities, fisheries complexes and facilities for allied uses; tourism infrastructure, public toilets, rain or cyclone shelters, hospitals, panchayat ghars, dispensaries, police stations, police out posts, fires stations, markets, bus terminals, parking lots, rehabilitation colonies and State sponsored schemes under 20 point programme, Government offices, operational construction, etc., but shall not include Information Technology parks, industrial estates/areas, industries, projects under private partnership (PPP), housing schemes of Housing Board/Corporations:

(k) "Regional Plan" means plan prepared under Chapter III of the Act;

(l) "section" means the section of the Act.

3. Procedure for public projects/schemes/development works.— (1) In case of land acquisition by the Central Government or the Government, while proposing acquisition of land for carrying out public projects/schemes/developmental works or for carrying out any public projects/schemes/development works, the concerned agency shall apply to the department for No Objection Certificate (NOC).

(2) The Department shall verify whether the proposal is in conformity with the Regional Plan as in force and if not, whether the proposal is for operational construction or for public projects/schemes/development works.

(3) In case the Department has any objection to the proposal on account of non conformity of the same with the Regional Plan, the Department shall either make necessary modifications to the proposed project/scheme/development or shift the project/scheme/work to a location as may be suggested by the Department.

(4) In case the Government intends to pursue the proposal, though not in conformity with regional Plan, the proposal shall be referred to a "Committee" constituted by the Government by notification in the Official Gazette for the purpose.

(5) The Committee after studying the proposal in consultation with the Department and any other Department as may be required, recommend the proposal as received with or without modification or reject the proposal. The committee shall communicate its decision in writing to the Department.

(6) The decision of the Committee shall be placed before the Board for its consideration.

(7) The Board, on receipt of the decision of the committee, may either accept the decision of the Committee or return the proposal with modifications/suggestions to the Committee for its reconsideration. The Committee may thereafter modify the same.

(8) If the decision of the Board is to grant approval to the project/scheme/work, the same shall be submitted to the Government for approval.

(9) The Chief Town Planner or the Officer of the Department shall grant the NOC or refuse the same, as per the decision of the Government.

(10) If the proposal involves any change in the Regional Plan, such changes shall be notified by the Department in the Official Gazette and entered in a register for updating of Regional Plan to this effect.

4. Development works.— The development works as envisaged shall be carried out after obtaining such other approvals as required under provisions of any other law in force in the State of Goa.

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

Morad Ahmad, Chief Town Planner & ex officio Joint Secretary.

Panaji, 14th August, 2008.