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GOVERNMENT OF GOA

Department of Home

Home—General Division

Public Notice

2/7/2018-HD(G)

The following draft of the proposed legislation Goa (Tenant and Guest Registration and Verification) Bill, 2020 (hereinafter referred to as the "said Bill") is hereby pre-published for the information of all public inviting suggestions/comments to the said draft bill within a period of 10 days from the date of publication of this Public Notice in the Official Gazette.

All suggestions/comments to the said draft bill may be submitted by email on "ashome-sect.goa@nic.in" to the office of Additional Secretary to the Government of Goa, Home Department, Secretariat, Porvorim, before the expiry of the said period of 10 days from the date of publication of this Public Notice in the Official Gazette, so that they may be taken into consideration by the Government.

DRAFT

The Goa (Tenant and Guest Registration and Verification) Bill, 2020

(Bill No. of 2020)

A

BILL

In order to provide better security to the residents of Goa, and for purposes connected therewith and incidental thereto.

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

1. *Short title, commencement and application.*— (1) This Act may be called the Goa (Tenant and Guest Registration and Verification) Act, 2020.

(2) It shall come into force at once.

(3) It applies to entire State of Goa.

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

(a) "Co-operative housing society" means a society as defined in section 102 of The Goa Co-operative Societies Act, 2001;

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

(c) “Tenant” means any person who stay in the house of other person or in Hotel (lodging or guest house) on payment of any rent and shall include Foreigners as defined under sec. 2 (A) Foreigners Act, 1946 but does not include—

(iii) family guests who arrive to stay to attend any family programme; or

(iv) friends who visit to family and stay with the family members.

(d) “house” means any building/structure temporary or permanent nature, or part of a structure, which is, or is intended to be, let separately for use as a residence or for commercial use or for any other purpose, and includes the garden, ground and out-houses, if any, appertaining to such structure or part of the structure; but does not include a room in a hotel or lodging house or guest house which is registered under the Goa, Daman and Diu Registration of Tourist Trade Act, 1982.;

(e) “hotel-keeper” means any person who owns or operates a hotel or lodging house as proprietor and includes a person managing or operating the affairs of a hotel or lodging house for and on behalf of the proprietor;

(f) “Hotel or lodging house or guest house” means any premise or part of premises including a house-boat, restaurant, bar or a tent where lodging with or without board or any kind of eatables or beverages is provided for a monetary consideration and registered under the Goa, Daman and Diu Registration of Tourist Trade Act, 1982.;

(g) “member of the family” means— All the persons who are in related to the owner either by blood or through marriage and also include family friends.

(h) “owners of the houses” means a person who, for the time being, is receiving, or is entitled to receive, the rent of any house, whether on his own account or on account of, or on behalf of, or for

the benefit of, any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;

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

(j) “relevant law” means the State or Central Act and the rules, regulations, notifications and orders framed/issued thereunder;

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. *Verification and Registration of tenant.*—

(1) All the owners of the houses, and the hotel-keeper of all hotels or lodging house, guest house in the State of Goa should verify the bonafide of the persons through their proof of identity such as Election card, driving License, Aadhar card, Passport or any other documents as may be notified by the Government in the Official Gazette before they are allowed to stay in their premises.

(2) All the hotel-keeper of all hotels or lodging house, guest house in the State of Goa should keep Tenants/Visitors/Guests Verification information with photo identity record online or manually in the prescribed form and should produce on demand to the Police authority or any other authority as may be notified by the Government from time to time in a period as may be prescribed.

(3) All the Owner of the houses should submit the tenant verification information in prescribed form to the Police Station of the said area within 7 working days of a tenant being allowed to stay in their premises.

(5) (1) Owner of the house shall maintain the record of the names, age, gender and detail residential address (both temporary and permanent) of the tenant allowed to stay in the house, in such form and in manner

as may be prescribed by Government or by any Officer designated by the Government.

(2) The owner of the house shall produce such register for the inspection of the Police Officer not below the rank of Assistant Sub Inspector or any other Officer as may be designated in this regard by the Government.

(3) The owner shall provide the authenticated photocopies or extract of such register.

6. *Registration of existing Tenant.*— On the commencement of the Act, owners of the houses, shall submit the required information of existing tenants within a period of 30 days to the Local Police Station.

7. *Responsibility of Housing Cooperative Societies.*— (1) The Housing Cooperative Societies shall be responsible to ensure that the share holders of the Society shall submit the information as provided under section 4 to the Local Police Station and copy of such information submitted to the local Police Station to be place in the record of the Society.

(2) In case a Housing Cooperative Housing Society finds that information of tenants is not provided to the Local Police in the prescribed period by the share holder to whom the particular premises is allotted, the Chairman of the Society shall submit or cause to submit such information to the local Police station.

8. *Restriction about the number of Occupants in a house.*— The owner of the house shall ensure that the number of tenants allowed to occupy/stay shall not be disproportionate to the size of the occupancy as approved under the Goa Land Development and Building Regulation Act, 2008 and the construction license vis-a-vis the occupancy certificate issued by the local bodies viz. Village Panchayat, Municipal Council, Municipal Corporation as the case may be.

9. (1) No person shall allow the tenants to occupy or stay in the house which has not been constructed in accordance with the provisions of the Goa Regulation of Land

Development and Building Construction Act, 2008.

(2) Any person who contravenes the provision of sub-section (1) shall on conviction be sentenced to simple imprisonment of minimum six months which may extend up to three years and a fine of minimum rupees fifty thousand which may extend up to rupees ten lakhs.

10. *Provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 shall strictly follows.*— the provisions of Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and rules made there under should be strictly followed, while providing the accommodation to the construction workers at the construction site or nearby.

11. *Non submission of Information is a Cognizable Offence.*— The owners of the houses, or the hotel-keeper of hotel or lodging house, guest house or Housing Cooperative Society (as the case may be) if they fail to submit the information as provided in section 4 or section 5 or section 6 as the case may be of this Act to the Local Police in the prescribed form and within the prescribed time he/she be presumed to have committed an offence under this Act.

12. *Powers of Verification.*— Any Police Officer not below the rank of incharge of Police Station or Sub Inspector or any other officer as authorised by the Government by notification in this regard may inspect any house (hotel and lodging house) to ensure the implementation of the provision of the Act, however with the prior permission of Sub Divisional Magistrate or Deputy Superintendent of Police.

13. *False Information.*— If any information provided by the Guest or Tenant, on verification found to be false or fabricated and establish after conducting inquiry by the Police or any other authority as may be notified by the Government, such Guest or tenant amount to committed an offence under

section 51 of the Indian Penal Code. Provided that no person shall be charge-sheeted, unless a fair opportunity given to him.

14. *Penalty.*— (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, whoever contravenes any provisions of this Act shall, on conviction, be punished with imprisonment which may extend to One Year or fine which may extend to Rs. 50,000/- or with both.

(2) In case offence is committed more than one time minimum penalty shall be Rs. 1,00,000/- for every such offence.

(3) An offence under this Act shall be cognizable and bailable.

15. *Court competent to take cognizance, and try offences.*— No court other than the Court of a Judicial Magistrate First Class shall take cognizance of, and try an offence under this Act.

16. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made hereunder.

17. *Power to give directions.*— The Government may give direction to any Government Department or Agency, Authority, local authority or other authority or any person, under this Act with regard to verification of tenant and such Government Department or Agency, Authority, local authority or other authority or person shall be bound to comply with such directions.

18. *Power to make rules.*— The Government may, by notification make rules for carrying out all or any of the provisions of this Act.

19. *Power to remove doubts and difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act. Rules made under this section shall, as soon as may be after it is made be laid before the State Legislature.

(2) Every order made under this section shall, as soon as may be after it is made be laid before the State Legislature.

20. *Summary trial of offences.*— All offences under this Act shall be tried summarily in the manner provided for summary trial under the Code of Criminal Procedure, 1973.

21. *Composition of offences.*— (1) The Government may, by notification in the Official Gazette, empower the Officer not below the rank of Sub-Divisional Magistrate to compound any offence committed under this Act on payment of a sum not less than the amount as may be notified by the Government in the Official Gazette by way of composition for the offence which such person is suspected to have committed.

(2) On payment of such sum to such Officer, the offender, if in custody shall be released forthwith and no further proceedings shall be taken against such offender.

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

Nilesh K. Dhaigodkar, Under Secretary (Home).

Porvorim, 26th June, 2020.

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