Legislative Assembly of Goa

# The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Bill, 1996

(Bill No. 14 of 1996)

*(By Shri Manu Fernandes)*
M. L. A.

**(To be introduced in the Legislative Assembly of Goa)**

**GOA LEGISLATURE SECRETARIAT**
**ASSEMBLY HALL, PANAJI**
**JULY, 1996**

# The Goa Buildings (Lease, Rent and Eviction Control (Amendment) Bill, 1996

(Bill No. 14 of 1996)

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BILL

*further to amend the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.*

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1996.

(2) It shall come into force at once.

2. *Amendment of section 23A.*— In sub-section (3) of section 23A of the principal Act, after clause (b), the following clauses shall be inserted, namely:—

" (c) The provisions of this sub-section shall be applicable to all applications including those pending proceedings before any Controller/Tribunal/Court and all such proceedings shall be disposed of in accordance with the provisions of this section.

(d) During the pendency of proceedings for recovery of possession under this sub-section, the tenant shall continue the regular payment of rent due to the landlord or deposit such amounts with the Controller/ Tribunal/Court for payment to the landlord:

Provided that nothing in this sub-section shall be so construed as conferring a right on any person to recover possession of more than one residential building inclusive of any part or parts thereof if it is let out in part or parts:

**Provided further that the Controller may give the tenant a reasonable period for putting the landlord or as the case may be, his widow in possession of the residential building and may extend such time so as not to exceed six months in the aggregate."**

## Statement of Objects and Reasons

Section 23-A is proposed to be amended so as to reinstate sub-clauses (c) and (d) in sub-section (3) which were rendered ineffective whilst substituting sub-section (3), by oversight.

## Financial Memorandum

No financial implications are involved in this Bill.

## Memorandum Regarding Delegated Legislation

No delegated legislation is contemplated in this Bill.

Panaji,
8th August, 1996

SHRI MANUEL FERNANDES
M. L. A.

Assembly Hall,
Panaji,
8th August, 1996

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa

(Annexure to Bill No. 14 of 1996)

## The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Bill, 1996

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## The Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968

(Act 2 of 1969)

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1. Section 23A.—

" (3) Notwithstanding anything contained in this Act,—

(a) a landlord, who is a member of the armed forces of the Union or who is an employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government whose employees are subject to transfers from their original place of posting or who was such member or employee as the case may be, and is duly retired (which term shall include premature retirement), shall be entitled to recover possession of any premises on the grounds that the premises are bonafide required by him for occupation by himself or any member of his family (which term shall include a parent or other relation ordinarily residing with him and dependent on him), and the Controller shall pass an order for eviction on such ground if the landlord, at the hearing of the suit, produces a certificate signed by the Head of his Services or his Commanding Officer or by the Head of his Department or Head of the Public Sector Undertaking, as the case may be, to the effect that—

(i) he is presently a member of the armed forces of the Union or employee of the Central Government or Railways or the Public Sector Undertaking of the Central Government or he was such member or employee as the case may be, and is now retired ex-serviceman or employee as the case may be; and

(ii) he does not possess any other suitable residence in the local area where he or the members of his family can reside:

Provided that in the case of an ex-serviceman or an ex-employee referred to in sub-clause (i) above, an affidavit sworn before the competent authority to the effect as envisaged in sub-clause (ii) shall be sufficient;

(b) Where a member of the armed forces of the Union or employee of the Central Government or Railways or any Public

Sector Undertaking of the Central Government whose employees are subject to transfers from their original posting place, as the case may be, dies while in service or such member is duly retired and dies within five years of his retirement, his widow who is or becomes a landlord of any premises, shall be entitled to recover possession of such premises, on the ground that the premises are bonafide required by her for occupation by herself or any member of her family (which term shall include her husband's parent or other relation ordinarily residing with her) and the Controller shall pass an order for eviction on such ground, if such widow, at the hearing of the suit, produces a certificate signed by the Area or Sub-Area Commander within whose jurisdiction the premises are situated or by the Head of Department or Head of the Public Sector Undertaking whereof, her deceased husband was employee to the effect that—

(i) she is a widow of a deceased member of the armed forces or the employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government, as the case may be; and

(ii) she does not possess any other suitable residence in the local area where she or the members of her family can reside:

Provided that the landlord or his widow, as the case may be shall be entitled to recover only one of the premises chosen by him or her, under this section, in case more than one premises have been let out by him or her.

*Explanation 1.*— For the purposes of this sub-section,—

(i) " armed forces" means an armed force of the Union constituted under an Act of Parliament and includes a member of the police force constituted under the Police Act as applicable to the State of Goa;

(ii) any certificate granted by the concerned authority thereunder shall be conclusive evidence of the facts stated therein.

*Explanation 2.*— For the purpose of clause (a) of this sub--section, the expression "the Head of his Services" in the case of officers retired from the Indian Navy, includes the Flag Officer-in-Chief, Western Naval Command and in the case of officers retired from the Indian Air Force, includes the Station Commander."

Assembly Hall,
Panaji,
8th August, 1996

Ashok B. Ulman
Secretary to the Legislative
Assembly of Goa