

Bill No. 149 of 2025

THE CONSTITUTION (AMENDMENT) BILL, 2025

By

SHRI CAPTAIN VIRIATO FERNANDES, M.P

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BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.
(2) It shall come into force on such date as the Central Government may, by
5 notification in the Official Gazette, appoint.
2. After article 371-I of the Constitution, the following article shall be inserted, namely:—
- “371-IA. (1) Notwithstanding anything in the Constitution, the
10 President may, by order made with respect to the State of Goa, provide for special responsibility of the Governor to establish a separate Sustainable Developmental Council to be known as the Goa Sustainable Developmental

Short title and commencement.

Insertion of new article 371IA.
Special provisions for Sustainable Development for the State of Goa.

Council (hereinafter referred to as the Council) to exercise the powers conferred on and to perform the functions assigned to it for the purpose of preserving Goa's unique cultural identity, shaped by its historical trajectory, liberation from colonial rule, vibrant heritage, historical sites, traditional Goan communities, protection for the rights of person of Goan origin, including the Scheduled Tribes, the Scheduled Castes, Other Backward Classes, fishermen, farmers, artisans, toddy tappers, traditional knowledge holders and fragile environment from adverse impacts of unsustainable development and demographic changes. 5

(2) The Council established under clause (1) shall be a body corporate having perpetual succession and a common seal, with the powers to acquire, hold and dispose of both movable and immovable property, to enter into and execute contracts, to sue or be sued, as well as any other power in connection with or ancillary to the above and further to the objectives of the Council, including those specifically mentioned in this article. 10

(3) The office of the Council shall be at such place within the Curtorim region in South Goa District of the State of Goa, as the Council may think fit: 15

Provided that the Council may establish such number of offices at such places, as it deems necessary to discharge its functions and fulfil its objectives.

(4) The Council shall consist of— 20

(a) the Chief Minister of the State of Goa as the *ex-officio* Chairperson;

(b) not more than six representatives from relevant Central Ministries nominated by the President, as the *ex-officio* Vice-Chairpersons;

(c) not more than three representatives from the State Government of Goa of the concerned ministries nominated by the Governor of the State of Goa in consultation with the State Government of Goa; 25

(d) a Chief Executive Officer who shall be an eminent person with expertise in Goan history, culture and environmental conservation, to be nominated by the President on the recommendation of the Governor of the State of Goa; 30

(e) not less than ten experts belonging to persons of Goan origin having special knowledge of or professional experience in one or more subjects of environmental science, cultural heritage, socio-economics, jurists, traditional Goan communities and any other subject as may be deemed useful for the Council to perform its functions and fulfil its objectives under this article: 35

Provided that not less than three members of the non-official members shall be from amongst the persons belonging to the Scheduled Castes or the Scheduled Tribes or the other Backward Classes or Minorities or Women;

(f) Members of Parliament from the State of Goa as *ex-officio* members; 40

(g) the Hon'ble Leader of Opposition of the Legislature of Goa, as the *ex-officio* member; and

(h) the Chief Secretary of the State of Goa as the Member-Secretary;

(5) The members (except members *ex officio*) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed. 45

(6) Every member of the Council shall be a whole-time member, and every

non-ex officio member shall hold office for a term of five years from the date on which he enters office, or up to the age of sixty-five years, whichever is earlier.

(7) The President shall, before appointing any person as a Vice-Chairperson or a member of the Council, except for the *ex-officio* members under sub-clauses (e) and (f) under clause (4) of section (2), reasonably verify that such person has no financial or other interest in the Council as is likely to affect prejudicially his functions as a Chairperson or member, as the case may be.

(8) The Council shall,—

(a) conduct quarterly public hearings for residents of ecologically sensitive regions of Goa to gather input on the preservation of land, water resources, cultural heritage, traditional communities, and socio-cultural stability;

(b) ensure provisions and opportunities for Goan communities comprising of person of Goan origin, including Scheduled Tribes, Scheduled Castes, Other Backward Classes, fishermen, farmers, artisans, toddy tappers, and traditional knowledge holders, to access resources and protect their traditional livelihoods and rights over common resources and provision and protection with respect to education, housing, land and employment;

(c) facilitate infrastructure and support systems for the sustainable management of Goa's water resources including but not limited to its rivers, lakes, wells, ponds, groundwater, aquifers, and territorial waters, its environmental and social impact assessments for developmental projects, and conservation of architectural heritage, including pre-1961 structures, sacred trees, and water bodies;

(d) promote training and capacity-building programmes to preserve and promote traditional Goan arts, music, dance, festivals, and culinary traditions, ensuring their documentation and dissemination;

(e) ensure a clean and sustainable environment, including measures to prevent pollution of water resources and protect ecologically sensitive areas from unsustainable development;

(f) provide protection and special provisions for vulnerable groups, including the Scheduled Tribes, the Scheduled Castes, Other Backward Classes, women, children and persons displaced due to environmental or developmental activities, by recommending schemes to safeguard their livelihoods and land rights;

(g) encourage investment, research, and innovation in sustainable development practices, cultural heritage conservation, and traditional knowledge systems to support Goa's unique identity and ecological balance;

(h) facilitate equitable access to governance by ensuring the active involvement of local self-government institutions including but not limited to Gram Sabhas, Municipal Councils, Comunidades, Devasthans, and representatives of the Scheduled Tribes, the Scheduled Castes, and Other Backward Classes, in decision-making processes related to land use, environmental protection, and cultural preservation including all religious structures of historical, heritage and cultural significance having archaeological importance;

(i) provide advisory and technical support to the Legislature of Goa, the

State Government of Goa, and Government of India in drafting laws and policies to regulate land transfers, promote official language, conserve heritage, and address demographic changes in consonance with the seventh schedule of the Constitution;

(j) promote the use and development of Konkani as mentioned in the Eight Schedule, in scripts of Devnagari and Roman, through educational and cultural initiatives, in collaboration with the Government of India, and the Council may also promote the use and development of Marathi, as a language of cultural importance in the State of Goa; and 5

(k) recommend policies to address rapid demographic changes to preserve Goa's socio-cultural fabric, ensuring alignment with constitutional principles, with provisions and protection for person of Goan origin. 10

(9) The Council shall prepare and cause to be published—

(a) a Goa Sustainable Development Plan, including measures for land protection, sustainable development, water resource management, cultural preservation, community empowerment, and demographic stability, once every three years, setting out priorities for protecting Goa's cultural identity, heritage, environment, and socio-economic stability, including research, analysis, and proposed measures to achieve these objectives; and 15

(b) a Goa Annual Sustainability Report, detailing measures undertaken or planned by the Council, including the allocation of financial and human resources. 20

(10) The Council shall have the power to, call for information, inspect, recommend and monitor in relation to executing its objectives as specified in clause 9, including— 25

(a) conduct research, data collection, and analysis to assess the impact of laws and policies on Goa's cultural identity, environment, and traditional communities;

(b) monitor the implementation of the Goa Sustainable Development Plan and the Goa Annual Sustainability Report; 30

(c) formulate, recommend, and monitor plans, programmes, and schemes for protecting land, water resources, cultural heritage and traditional communities, including providing advisory support to the Legislature of Goa;

(d) coordinate with the Government of India, the State Government of Goa, local bodies of Goa to facilitate inter-regional and intra-regional cooperation for sustainable development and cultural preservation; 35

(e) raise awareness and undertake advocacy to promote sustainable practices, cultural heritage, and community rights;

(f) consult experts in environmental science, cultural heritage, socio-economics, and law to support implementation efforts; 40

(g) advise the President and Governor on issuing orders for Concurrent List and State List matters, respectively, to achieve the objectives of this article;

(h) recommend measures to address rapid demographic changes, ensuring policies to preserve Goa's socio-cultural fabric;

(i) perform all other acts deemed necessary to execute the objectives of Article 371IA, including facilitating public participation and stakeholder consultation.

(11) For the purpose of this article there shall be constituted a Fund to be called as the Goa Sustainable Developmental Council Fund to which shall be credited all monies realised, realisable or received respectively by or on behalf of the Council whilst carrying out its objectives and powers as conferred upon it by this article and be utilised by the Council for the payment of all sums, charges and costs necessary for carrying out the objectives and functions of the Council under this article.

(12) The Council shall, within one hundred and twenty days from the date of its constitution, prescribe regulations for carrying out the provisions of this article.

(13) The Council shall make bye-laws for the management of the Goa Sustainable Developmental Council Fund and for the procedure to be followed in respect of maintenance of accounts of Fund, auditing of Fund, payment of money into the said Fund, withdrawal of moneys therefrom, the custody of moneys therein and any other matter incidental thereto or connected therewith.

(14) The President shall, in consultation with the Council, by order, made in relation to the State of Goa, provide for—

(a) establishing standards and procedures for environmental and social impact assessments for developmental projects, ensuring alignment with Goa's ecological needs;

(b) issuing directions for the sustainable management of inter-State rivers and territorial waters;

(c) directing the inclusion of Konkani as mentioned in the Eighth Schedule, in Devanagari and Roman scripts, in national educational and cultural schemes, so also Marathi in cultural schemes;

(d) allocating central funds and expertise for the conservation of Goa's architectural heritage, including pre-1961 structures, sacred trees, and water bodies; and

(e) issuing guidelines for demographic stability policies to ensure they align with fundamental rights, informed by the Council's input.

(15) The Governor shall, in consultation with the Council, by order, made in relation to the State of Goa, provide for—

(a) any Act of the Legislature of Goa not to apply to ecologically sensitive regions identified by the Council unless the Governor, on the recommendation of the Council, by public notification so directs and the Governor in giving such direction with respect to any such Act may direct that the Act shall in its application to the select districts or any part thereof have effect subject to such exceptions or modifications as the Governor may specify on the recommendation of the regional council:

Provided that any direction given under this sub-clause may be given so as to have retrospective effect;

(b) issuing directions to ensure the effective implementation of schemes protecting traditional livelihoods of Goan communities, including

Scheduled Tribes, Scheduled Castes, Other Backward Classes, fishermen, farmers, artisans, toddy tappers, and traditional knowledge holders;

(c) facilitating the involvement of local self-government institutions including but not limited to Gram Sabhas, Municipal Councils, Comunidades, Devasthans, and representatives of Scheduled Tribes, Scheduled Castes, and Other Backward Classes in decision-making on land use, environmental protection, and cultural preservation, based on the Council's assessments; and 5

(d) addressing delays or failures in implementing State-related provisions, in consonance to the Seventh Schedule, by issuing directions based on the Council's reports. 10

(16) The Parliament, shall, by law make such provisions as are necessary to give effect to the purposes of this article.

Explanation. — For the purposes of this article, the expression “Goan origin” shall include,—

(a) all persons who, prior to the 20th day of December, 1961, were governed by the provisions of the Civil Code of 1867 as in force in the erstwhile Portuguese regime over Goa and which continued in force by virtue of sub-section (1) of section 5 of the Goa, Daman and Diu (Administration) Act, 1962 (1 of 1962), as adapted by the Military Governor of Goa, Daman and Diu *vide* Order No. 175/2/MG dated 31st May, 1962; or 15 20

(b) any person born in Goa of parents who are governed by the provisions of the Civil Code of 1867 which is at present in force in Goa and which was in force prior to the 20th day of December, 1961; or

(c) any person born outside the State of Goa of parents who were or are governed by the provisions of the said Civil Code of 1867, unless such person declares that he does not desire to be governed by the provisions of the Civil Code of 1867 as applicable at any time before the expiry of three years from the date he attains majority or before the expiry of three years from the date he comes from outside the State of Goa, before the Special Notary having office in the sub-district where such person resides; or 25 30

(d) any person born in Goa of parents who are governed by the provisions of the corresponding laws in force in the rest of India provided that he chooses permanent residence in the State of Goa and he declares before the expiry of three years from the date he attains majority that he desires to be governed by the provisions of the Civil Code of 1867 as applicable before the Special Notary having office in the sub-district where such person resides; or 35

(e) any person born in Goa of parents who are foreign citizens provided such person satisfies the requirements of sections 3 and 4 of the Citizenship Act, 1955 (Central Act 57 of 1955); or

(f) any person born in Goa of unknown parents or of unknown nationality; or 40

(g) any person adopted by parents who are governed by the provisions of the Civil Code of 1867 as in force in Goa or by parents to whom the provisions of the Civil Code of 1867 as applicable apply:

Provided that such a person shall not be deemed to have taken up permanent residence in Goa,— 45

(i) merely by reason of his residing there on account of his being appointed in the Civil, Military, Naval, Air Force service of the Government of India;

5 (ii) merely on account of his being appointed by the Government of a foreign country as its representative and residing as such in Goa in pursuance of such appointment, nor shall any other person residing with such representative as part of his family or as a servant.”.

STATEMENT OF OBJECTS AND REASONS

The State of Goa with its unique history, culture, and delicate ecosystem, faces significant challenges in preserving its distinct identity amidst rapid development and increasing demographic pressures. The State's rich Indo-Portuguese heritage, its traditional communities, and its biodiversity are increasingly getting vulnerable. In the recent past, a large number of instances show concerned citizens and environmentalists rushing to Courts seeking relief in cases related to environmental destruction in the name of unsustainable development where the Judiciary has been striking down or has read down several land use and planning decisions that threatened Goa's rich cultural and ecological fabric, underscoring the urgent need for stronger legislative safeguards. Hence the need to bring this Bill is affirmed by quoting the judgement delivered by the Hon'ble High Court of Bombay in Goa:—

“This is an extraordinary State, in more ways than one, a place where, perhaps more than anywhere else, sky, sea and earth meet. From horizon to horizon, it is a land of abundant richness. It is a land of confluences, where diverse strands meet and co-exist; and, in a time of apparently incessant strife and discord, it is still a mostly liberal land. It is a kind and gentle land, of a kind and gentle people. And it is also a land that, given its small size and small population, has had a wholly disproportionate influence on our art, culture, language, music, literature, architecture, history, design and more (even food, for many of what we consider our staples first came from here). Its greatest asset is one: its environment and its ecology — its rivers and riverbanks, its beaches, its lakes and clear streams, its dense forests, its low hills and fertile fields, its boulders and even trees shrouded with moss and vines and lichen in the rains, its ridiculously brilliant sunsets. ... That is up to us, and to the government. For this is something none can deny: this is a land truly worth fighting for.”

This Bill seeks to provide a constitutional framework for the Central Government to collaborate with the State of Goa in addressing these concerns. It aims to:

- (1) preserve Goan identity by promoting its language, arts, and cultural traditions like Tiatr, Fugdi, Dhalo, Dekne, etc., and safeguarding the soul of this land that Goans hold dear;
- (2) protect historical heritage through focused conservation efforts for its unique architectural and historical sites, echoing the resilience of Goa's past;
- (3) safeguard environment and land by enabling restrictions on land alienation in sensitive areas, promoting sustainable development, and protecting traditional livelihoods that sustain the heartbeat of Goan life;
- (4) ensure demographic stability by encouraging policies that maintain the socio-cultural balance of the State, preserving the harmony that defines its people;
- (5) establish a Goa Sustainable Developmental Council to provide expert guidance and facilitate coordinated action, ensuring a united stand to protect Goa's future;
- (6) uphold the rights of Goan communities by ensuring that the People of Goan origin have enduring rights over education, land use, ecological resources, and economic opportunities, protected in perpetuity—a promise to honor their legacy; and

- (7) protect ecologically sensitive areas: To ensure that all eco-sensitive zones, no-development zones, forest land (both public and private), marine eco-sensitive areas, orchard land, plateaus, aquifers, low-lying agricultural fields, eco-sensitive khazans, mangroves, and areas under the Coastal Regulation Zone (CRZ) are protected and preserved, safeguarding the very essence of Goa's environment that its people fight to defend;

There is an urgent need to protect Goa's limited natural and cultural resources from the impacts of unplanned and unsustainable development that threatens to erode its long-term ecological and social fabric. The enactment of this Bill will enable the State of Goa to maintain its unique character while pursuing sustainable development, thereby safeguarding its legacy for future generations.

Hence this Bill.

NEW DELHI;
July 7, 2025.

CAPTAIN VIRIATO FERNANDES

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of the Goa Sustainable Developmental Council. It also provides for the constitution of the Goa Sustainable Developmental Council Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Goa Sustainable Developmental Council to make regulations for carrying out the purposes of the Bill. It also empowers the Council to make bye-laws for the management of the Fund, etc. Since the regulations and bye-laws will relate to matters of detail only, the delegation of legislative power is of a normal character.

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further to amend the Constitution of India.

(Shri Captain Viriato Fernandes, M.P.)