

The Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977

GOA

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Rule

THE-GOA-DAMAN-AND-DIU-AGRICULTURAL-TENANCY-SPECIAL-RIG of 1977

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The Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977Published vide Notification No. RD/TNC/RLS/290/76-77, dated 19-1-1978RD/TNC/RLS/290/76-77. - Whereas certain draft rules proposed to be framed under the Goa, Daman and Diu Agricultural Tenancy Act, 1964 were published at page 29 of the Official Gazette, No. 5 Series I dated 5th May, 1977 of the Revenue Department, Government of Goa, Daman and Diu inviting objections and suggestions from all persons likely to be affected thereby till 15 days from the date of publication of the said Notification in the Official Gazette;And whereas the said Gazette was made available to the public on 5th May, 1977;And whereas objections and suggestions received have been considered by the Government;Now, therefore, in exercise of the powers conferred by section 61 read with section 18L of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964), the Government of Goa, Daman and Diu hereby makes the following rules, namely:-

1. Short title and commencement.

(1)These rules may be called the Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977.(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 Agricultural Tenancy Act, 1964;(b)"Form" means a form appended to these Rules;(c)"Section" means a section of the Act;(d)words and expressions used, but not defined in these rules shall have the same meanings assigned to them in the Act.

3. Manner in which tenant to exercise right under Section 18B.

- An intimation under sub-section (1) of section 18B shall be given in Form IA, by hand delivery or by Registered post.

4. Notice to be given by Mamlatdar after tiller's day and manner of recording statement of tenants.

(1)The public notice to be published or caused to be published by the Mamlatdar under section 18C shall be in Form IIA. The Notice shall be published [...] [The words 'in the village by beat of drum and' have been omitted by Amendment Rules, 1991 (vide Notification No. 36/6/90-RD dated 3-10-1991 at page 153).] by affixing a copy thereof on the notice board of the Mamlatdar's Office and the village Panchayats Office in which the land is situated. For the purpose of serving a notice to the concerned parties the procedure under Rule 5 of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965 shall, as far as practicable, be followed.(2)The Mamlatdar shall record the statement of tenant under; sub-section (3) of section 18C on oath in any of the official languages of the territory. Such statement shall also be read over or explained to the tenant and his signature taken on it.

5. Manner of determining purchase price.

- The Mamlatdar shall have due regard to the following factors while determining the net average annual income of the land under sub-section (2) of section 18D.(a)value of any service or construction made by the landlord towards construction or repair of sluice gates, etc., if any;(b)the expenses incurred by the landlord for maintenance of sluice gate, bunds, embankments, etc.;(c)the benefit derived by the person in whom the right to operate the sluice gate, etc. was vested;(d)the improvement of the land made by the tenant or landlord, if any;(e)the increase in annual production and the value of other benefits derived by the tenants, etc.;(f)the income from fisheries, if any, derived by the tenant or the landlord as the case may be;(g)the nature of land, that is whether it is a single cropped or double cropped and the fertility of the soil;(h)the irrigation facilities available;(i)the location of the land vis-à-vis any public road, market place, etc.(2)It shall be lawful for the Mamlatdar, as and when necessary, to secure the presence of the tenant, the landlord and any other person whom he considers necessary and examine them on oath by putting them questions for ascertaining:-(a)whether the tenant is under any pecuniary obligation of the landlord;(b)whether the landlord has made any adjustment with the tenant outside the proposed purchase price;(c)whether the tenant has any objection to the purchase price;(d)the financial position of the tenant;(e)any other matter which the Mamlatdar thinks necessary to

ascertain.(3)The Mamlatdar may, if he thinks necessary, consult the Director of Agriculture or the Zonal Agricultural Officer, the Block Development Officers, the village Panchayats within the area concerned for obtaining their opinion or such other information while determining the purchase price.

6. Circumstances in which and conditions subject to which sanction shall be given by Mamlatdar under section 18K for transfer; etc.

- The Mamlatdar may accord sanction for transfer of agricultural land under section 18K in any of the following circumstances, namely:-(a)that the land is required for agricultural purpose by an industrial or a commercial undertaking in connection with any industrial or commercial operation carried on by such undertaking; or(b)that the transfer is for the benefit of any Educational or Charitable Institution; or(c)that the land is required by a Co-operative farming society; or(d)that the land is being sold in execution of a decree of a civil court for the recovery of arrears of Land Revenue; or(e)that the land is being sold by the landowner on the ground that he is permanently rendered in capable of cultivating the land personally any and none of the members of his family are willing to cultivate personally; or(f)that the land is gifted in favour of a Religious or Charitable Institution;(g)that the land being partitioned among the heirs/survivors of the deceased landowner;(h)that the land is being leased by a landowner who is a minor; or a widow, or a person subject to any physical or mental disability or a member of the armed forces or among the land owners holding the land jointly.

7. Issue of certificate of purchase by Mamlatdar to tenant.

- The certificate to be issued by the Mamlatdar to a tenant under sub-section (1) of section 18H shall be in Form IIIA.

8. Mamlatdar to issue receipts.

- The Mamlatdar shall, as and when a tenant makes a deposit either of the instalment of the purchase price or the lumpsum of the purchase price, pass a receipt to the tenant duly certifying the receipt of the amount so deposited. Form IA(See Rule 3)Intimation of desire to exercise the right of purchase conferred by sub-section (2) of section 18B. To:DatedSir, I am the tenant of the following land(s) of which you are the landlord:-

Taluka Survey No. Sub Div. No. Area Assessment

I am entitled to purchase the above land under sub-section (1) of section 18B of the Goa, Daman and Diu Agricultural Tenancy Act, 1964. I hereby inform you that I desire to exercise the said right in terms of clause ... (here specify clause (a), (b), (c) or (d) as the case may be, of section 18B(1), I am forwarding a copy of this letter to the Mamlatdar of for taking further appropriate action. Yours faithfully, (Signature of tenant) Copy forwarded to the Mamlatdar of for information and necessary action. Form IIA(See Rule 4) Notice under section 18C of the Goa, Daman

and Diu Agricultural Tenancy Act, 1964. Whereas under section 18A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 every tenant is deemed to have purchased the land held by him as a tenant; and whereas the Mamlatdar is required by sub-section (5) of section 18C to ascertain whether the tenant is willing to purchase the land and, if so, to fix its purchase price; Now therefore the persons mentioned below, viz.:-(a) All tenants who are deemed to have purchased lands in the locality ... (b) All landlords of such lands, and (c) All other persons interested therein, are hereby called upon to appear before the Mamlatdar of ... at ... on the date and time shown against the land in the Schedule appended hereto in which they are respectively interested. If any person fails to be present before the Mamlatdar at the appointed date and time without sufficient cause, it will be deemed that he has nothing to say in the matter and the enquiry will be proceeded within his absence.

Schedule

Survey No. Sub Div. No. Area Date Time

Place ... Date ... Signature Mamlatdar of ... Form IIIA (See Rule 7) Certificate of purchase under sub-section (1) or section 18H of the Goa, Daman and Diu Agricultural Tenancy Act, 1964. Whereas Shri ... is the tenant of the land specified below belonging to the landlord Shri ... And whereas under the provisions of section 18E of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the tenant Shri ... was required to deposit and has deposited Rs.... (in words) being the first instalment of the purchase price/being lumpsum of the purchase price payable in respect of the said land, it is hereby certified that the said tenant Shri ... shall be deemed to be the purchaser of the said land under the provisions of the said Act. The said land shall not be transferred by sale, gift, exchange, mortgage, lease or assignment or partitioned without the previous sanction of the Mamlatdar as provided by section 18K of the said Act. [Schedule] [Substituted by Notification No. 1/1/93-RD dated 28-12-1993- (See Appendix pg. 209).]

Revenue Village Place of hearing Date Time

Place Date Signature