

# **The Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Act, 1971**

GOA

India

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### **Act 11 of 1971**

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The Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Act, 1971 Act No. 11 of 1971 [Dated 2nd October, 1971] This Act stands repealed by (Amendment) Act 17 of 1976 w.e.f. 8-10-1976 (O. G., Series I No. 29 dated 14-10-1976). LA/A/7/2029/71. - An Act to provide for the protection from eviction of tenants of cashewnut and arecanut gardens and for matters connected therewith. Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-second Year of the Republic of India as follows:-

### **1. Short title, extent, commencement and duration.**

(1) This Act may be called the Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Act, 1971. (2) It extends to the whole of the Union Territory of Goa, Daman and Diu. (3) It shall come into force at once. (4) It shall remain in force for a period of [six years] [These words were substituted for the words 'four years' by G. D. D. 20 of 1975 Section 2 (Official Gazette, Series I No. 32 dated 6-11-1975). Earlier, the words 'four years' have been substituted for the words 'two years' by G. D. D. 14 of 1973 Section 2 (Official Gazette (Extraordinary), Series I No. 26 dated 29-9-1973).].

### **2. Definitions.**

- In this Act, unless the context otherwise requires, - (a) "appointed day" means the 11th July, 1969; (b) "landlord" means a person from whom a tenant holds an arecanut or cashewnut garden on lease on the appointed day. (c) "Mamlatdar" has the meaning assigned to it in clause (c) of section 2 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966; (9 of 1966); (d) "tenant" means a person

who, on the appointed day, holds an arecanut or cashewnut garden on lease: Provided that, if any such garden is held by a person on sub-lease, such person, and not the lessee, shall be deemed to be the tenant for the purposes of this Act. (e) "garden" means a land where arecanut or cashewnut trees are grown; (f) "rent" means any consideration in money or kind or both, paid or payable by the tenant on account of his right to tend the garden and collect the fruits thereof.

### **3. Grounds of eviction and restoration of possession.**

(1) Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract or a decree or order of any court, a tenant shall not be liable to eviction save as provided in sub-section (2). (2) A landlord may apply in writing to the Mamlatdar for the eviction of his tenant on the ground of causing damage to the garden on lease or for non-payment of rent within sixty days from the date on which the rent is due under the terms of the tenancy: Provided that no order of eviction on the ground of non-payment of rent shall be made if the tenant deposits with the Mamlatdar at any stage of the proceedings for eviction, the rent due, or if the rent is payable in kind, its market value on the date of deposit, together with cost of the application and other cost, if any, to be determined by the Mamlatdar. (3) Any tenant who has been evicted from the garden on lease at any time on or after the appointed day, may, within six months of the commencement of this Act, or of the date of his eviction, whichever is later, on grounds other than the ones mentioned in sub-section (2), make an application in writing to the Mamlatdar for restoration of possession: Provided that, in case of gardens leased on or after the appointed day but before the 28th February, 1971, the restoration of possession shall take place on the 1st March, 1972. (4) The Mamlatdar shall, on receipt of an application under sub-section (2) or sub-section (3) make such inquiries as he may consider necessary in respect of such application and make an order disposing of the same. (5) No order of disposal shall be made by the Mamlatdar under sub-section (2) or (4) unless the party against whom the order is proposed to be passed has been given an opportunity of being heard in the matter.

### **4. Mamlatdar to decide whether a person is a tenant.**

(1) If in any proceedings before a Civil Court, a question arises as to whether a person is or is not a tenant within the meaning of this Act, such Court shall refer the said question to the Mamlatdar for his decision. (2) Every decision or order made by the Mamlatdar under sub-section (1) or under sub-section ( ) of section 3 shall be subject to the revision of the Collector under sub-section (2) of section 22 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966, (9 of 1966) as if such a decision or order had been made in a suit or proceeding under that Act, subject to the condition that revision application under this Act shall be filed within thirty days from the date of the decision or order as aforesaid. (3) Every decision or order made by the Mamlatdar under this Act shall, subject to any orders that may be passed by the Collector under sub-section (2), be final. (4) Every order made by the Mamlatdar under this Act shall be executed as if it had been made under the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966).

## **5. Bar of Jurisdiction.**

- No Civil Court shall have jurisdiction to entertain, decide or deal with any question which is to be decided by the Mamlatdar under this Act.

## **6. Bar on appearance by Pleaders.**

- Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under this Act before the Mamlatdar or the Collector: Provided that the Mamlatdar or the Collector may, in the interest of justice and for reasons to be recorded in writing, allow the parties to be represented at their own cost by a pleader: Provided further that if any officer of Government is appointed or declared by a competent court or is authorized under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such officer shall be entitled to appear through a representative authorized by him in writing in this behalf in any proceedings before the Mamlatdar or the Collector. Explanation. - For the purpose of this section the expression "pleader" includes an advocate, Vakil or any other legal practitioner.

## **7. Limitation.**

- In computing the period of limitation prescribed under any law for the institution of suits or proceedings, prohibited under section 3, the period during which such suits or proceedings remain prohibited under this Act shall be excluded.

## **8. Court-fees.**

- Every application made to Mamlatdar under this Act shall bear Court-fee Stamps of fifty paise and every memorandum of an appeal or an application under this Act made to the Collector shall bear Court-fee Stamps of two rupees.

## **9. Power to make rules.**

(1) The Government may, by notification in the Official Gazette, make rules generally to carry out the purpose of this Act. (2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa, Daman and Diu while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session, immediately following, the Assembly agrees in making any modification in any such rule or the Assembly agrees that the rule should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## **10. [ Exemptions. [Inserted by G. D. D. 20 of 1975 Section 4 (Official Gazette, Series I No. 32 dated 6-11-1975).]**

- The provisions of this Act shall not apply to lands leased or held by the Government or lands vested in the custodian under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (6 of 1964)."]NotificationsTNC/110/65. - In pursuance of the provisions contained in sub-section (5) of Section [20] [Section 20 deals with 'Resumption of Land'. This Section and Sections 19, 21 and 22 which formed part of Chapter III (dealing with 'Resumption by Landlord') of the Agricultural Tenancy Act, have been omitted by G. D. D. Act 17 of 1976. (see page 212).] of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby fixes the 28th July, 1964, as the date with reference to which all partitions and transfers of property referred to in that sub-section shall be ignored and deemed not to exist unless such partition or transfer is approved by the Tribunal.RD/TNC/MND/236/67. - In exercise of the powers conferred by sub-section (9) of Section [17] [Section 17 deals with 'Dwelling house of the tenant in landlord's site'. This section has been repealed by the G. D. D. Mundkars (Protection from Eviction) Act, 1975 (Act 10 of 1976).] of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby directs that the provisions of section 17 of the said Act shall apply in respect of the dwelling houses and the sites thereof occupied by agricultural labourers and artisans in the District of Goa.No. RD/TNC/38/70-74. - In exercise of the powers conferred by sub-section (4) of Section 23 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964) the Government of Goa, Daman and Diu hereby notify that the rent payable by a tenant to the landlord shall be paid within 30 days from the date of final operations in respect of each harvest and that such rent may be paid in cash or in kind at the option of the landlord at the conversion rates of Rupees seventy four per quintal as may, from time to time, be revised by the Government.R. B. SRV/8/3430. - In exercise of the powers conferred by rule 4 of the Goa, Daman and Diu Agricultural Tenancy (Revenue, Survey and Record of Rights) Rules, 1967, the Collector of Goa is pleased to appoint the officers shown in Column No. 2 of the Schedule appended hereto, to conduct the revenue survey in the areas shown in the corresponding entry in Column No. 3 of the said Schedule, for the preparation of Record of Rights connected therewith or for the revision of existing Record of Rights.

## **Schedule**

Sr. No.	Designation of the Officer	Jurisdiction
1	2	3
1.	Awal Karkuns	In their respective talukas
2.	Circle Inspectors	-do-
3.	Talathis	In their respective jurisdiction

## **36.**

/88-RD (Misc). - In exercise of the powers conferred by sub-section (3) of section 56 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) (hereinafter called the "said Act"), the Government of Goa is pleased to grant exemption in respect of land which is the property of a

religious institution and wherein no tenancy rights exist, from the operation of the provisions of the said Act, with immediate effect.RD/TNC/SO/206/66. - In exercise of the powers conferred by section 57 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby delegates its powers under Section 3(1) of the said Act, to the Collector of Goa District, with immediate effect:-Provided, however, that notwithstanding this delegation, the Government may itself exercise the said powers should it deem fit to do so in any case.RD/TNC/SO/203/66. - In exercise of the powers conferred by Section 57 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, Government is pleased to delegate the powers conferred upon it under Section 49 (2) of the said Act to the Secretary to the Government, Revenue Department.RD/TNC/SO/205/66. - In exercise of the powers conferred by Section 57 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, Government is pleased to delegate the powers upon it under Section(2) of the said Act to the Secretary to the Government, Revenue Department.RD/TNC/SO/167/78. - In exercise of the powers conferred by Section 57 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964), Government hereby delegates its powers conferred upon it under Section 36 of the said Act to the Government, Revenue Department:Provided, however, that notwithstanding this delegation, the Government may itself exercise the said powers should it deemed fit to do so in any case.RD/TNC/M/RTN/12/65/Sec. 2(4)/67. - In exercise of the powers conferred by clause (4) of section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964), Government hereby appoints the Deputy Collector, North Goa, Sub-Division, and the Dy. Collector, South Goa, Sub-Division, to perform the functions of the Collector under the said Act in the areas within their respective jurisdiction.RD/TNC/M/RTN/12/65/Section 2(15)/67. - In exercise of the powers conferred by clause (15) of Section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964), Government hereby appoints the Awal Karkuns appointed in each Taluka to perform the duties of a Mamlatdar under the said Act within the jurisdiction of their respective talukas.RD/TNC/M/RTN/12/65/Section 2(4)/68. - In exercise of the powers conferred by clause (4) of Section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964) and in partial supersession of Government Notification No. RD/TNC/M/RTN/12/65/Section 2(4)/67 dated 23rd September, 1967 (Published in the Government Gazette, No. 26, Series II, dated 28-9-1967) Government hereby appoints Sub-Divisional Officer, North Goa Sub-Division, Panaji to perform the functions of the Collector under the said Act in the North Goa Sub-Division.RD/TNC/RR/270/69. - In exercise of the powers conferred by rule 4 of the Goa, Daman and Diu Agricultural Tenancy (Revenue, Survey and Record of Rights) Rules, 1967, the Administrator of Goa, Daman and Diu is pleased to direct that the following Officers shown in Column No. 2 of the Schedule appended hereto should conduct the revenue survey in the areas shown in the corresponding entry in column No. 3 of the said Schedule, for the preparation of the Record of Rights connected therewith or for the revision of any existing Record of Rights.

## Schedule 2

Sr. No.	Designation of the Officer	Jurisdiction
1	2	3
1.	Collector of Goa	Throughout the Goa District.
2.	Director of Land Survey	- do -
3.	Sub-Divisional Officers	In the taluka under theirjurisdiction.

4. Mamlatdars In their respective talukas
5. Survey Officers (Inspectors Cadastral Survey) In the whole of the Goa District
- RD/TNC/12/65-69. - In exercise of the powers conferred by clause (15) of Section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964), the Government of Goa, Daman and Diu is hereby pleased to appoint all the Joint Mamlatdars in the District of Goa to perform the duties of the Mamlatdar for the purpose of the said Act, within their respective jurisdictions.
- RD/TNC/12/65. - In exercise of the powers conferred by clause (4) of section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964), the Government of Goa, Daman and Diu is hereby pleased to appoint all the Additional Deputy Collectors in the District of Goa to perform the duties of the Collector for the purpose of the said Act within the Jurisdiction of their respective sub-division.
- Read: Notification No. RD/TNC/12/65 dated 15-1-1988.
- No. RD/TNC/12/65. - In exercise of the powers conferred by clause (4) of Section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964), (hereinafter called the "said Act") the Government of Goa is pleased to appoint all the Additional Deputy Collectors, Mapusa, Sub-Division, Mapusa to perform the functions of the Collector, under the provisions of the said Act within the jurisdiction in the North Goa District.

## 1.

/1/96-RD (4536). - In exercise of the powers conferred by clause (15) of Section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), the Government of Goa is hereby pleased to appoint all the Mamlatdars in the State of Goa to perform the duties of Mamlatdar under the said Act, within their respective jurisdictions, with immediate effect.

## 7.

-1-91/LA. - The Goa Agricultural Tenancy (Amendment) Act, 1991 (Goa Act No. 4 of 1991) which has been passed by the Legislative Assembly of Goa on 19-2-1991 and assented to by the Governor of Goa on 19-4-1991, is hereby published for general information of the public.

Orders RD/TNC/SO/348/167. - In exercise of powers conferred by Section 62 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, Government is hereby pleased to order as follows:-

### **1. (a) This order may be called the Ascertainment of Gross Produce of Land Order, 1967.**

(b) It shall come into force at once.

**2. When the gross produce of any land cannot be ascertained by any of the methods laid down in sub-section (2) of Section 23 of the Act, the Mamlatdar shall ascertain it by taking the evidence of persons present at the time of harvesting or by evidence regarding the produce of land of similar quality in the same village and locality in which the land of which the gross produce is**

**to be ascertained is situated in the particular harvest or harvests.**

LD/LAQ/27/70. - In exercise of the powers conferred under Section 117 of the Transfer of Property Act, 1882 (4 of 1882) the Lieutenant Governor of Goa, Daman and Diu hereby declare that all the provisions of Chapter V of the said Act, 1882 shall subject to the provisions of Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964), be with effect from this day the 22nd April, 1971 applicable in the case of all leases for Agricultural purposes. Order Whereas the Goa, Daman and Diu Agricultural Tenancy (Eighth Amendment) Rules, 1971 provide for regulation of standards of efficient cultivation and management. Whereas the Cabinet have decided that the fish culture should also be encouraged in the khazan land; except where salty water pollutes the wells and cause the other damage. Whereas the Cabinet also decided that the Committee Report 1975, be implemented for which legal action to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964, is necessary. And whereas, during the interim period the Cabinet decided to appoint a Committee under the Chairmanship of the Hon. Minister (Agriculture). Now, therefor, the following Committee is appointed to decide in which khazan lands water can be allowed to be introduced.

1. Minister of Agriculture - Chairman.
2. Collector of Goa - Member.
3. Director of Agriculture - Member.
4. Director of Fisheries - Member.
5. Mamlatdar of concerned Talukas - Member Secretary.

The decision of the Committee will be implemented by the Member Secretary. This Committee will remain in force till the amendment to the Goa, Daman and Diu Agricultural Tenancy Act, 1964, is done. This Order is issued in supersession of the Order No. 6/4/80-AGR(2) dated 26-12-1980.

**1.**

/7/80-RD - In exercise of the powers conferred by Section 57 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No.7 of 1964), the Government of Goa, Daman and Diu hereby delegates the powers conferred on Government under Section 26 (3A) (d) of the said Act, to the Secretary (Revenue) to the Government of Goa, Daman and Diu including powers to hear and decide appeals pending before the Government on the date of issue of Notification.