

Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014

GOA

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Act 8 of 2014

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Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014(Goa Act 8 of 2014)Last Updated 11th June, 2020[Dated 15.08.2014.]An Act to provide for the abolition of proprietorship of lands, titles, grant of lands in the State of Goa and for matters connected therewith.Be it enacted by the Legislative Assembly of the State of Goa in the Sixty-fifth Year of the Republic of India as follows: -

1. Short title, extent and commencement.

(1)This Act may be called the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.(2)It extends to the whole of the State of Goa.(3)It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"agriculture" with its grammatical variations and cognate expressions, includes horticulture, the raising of crops or garden produce and dairy farming;(b)"agriculture labourer" means a person whose principal means of livelihood is the income he gets as wages, in connection with the agricultural operations he performs;(c)"appointed date" means the date on which this Act comes into force;(d)"Code" means the Goa Land Revenue Code, 1968 (Act 9 of 1969);(e)"Collector" means the Collector of the District and includes an Officer appointed by the Government for the purposes of this Act;(f)"to cultivate personally" means to cultivate any land on ones own account, -(i)by ones own labour; or(ii)by the labour of any member of ones family; or(iii)by a servant on wages payable in cash or kind but not in crop share or by hired labour under ones personal supervision or the personal supervision of any member of ones family;Explanation. - For the purpose of this clause-(i)A widow or a minor or a person who is subject to any physical or mental disability or who is a member of the Armed Forces of the Union

shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour;(ii)In the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally if it is cultivated by any member of such family;(g)"cultivation" means the use of lands for the purpose of agriculture;(h)"cultivating tenant" means a person who cultivates personally any land belonging to another under an Agreement, express or implied, and pays rent therefore in cash or in kind or delivers a share of the produce;(i)"Government" means the Government of Goa;(j)"homestead" means a dwelling house together with any courtyard, compound, garden, outhouse, place of worship, family graveyard, storehouse, library, office, guest house, tanks, wells, privies, latrines, drains and boundary walls annexed or appertaining to such dwelling house;(k)"land" means any land used either for purposes of agriculture or for purposes ancillary thereto including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans and includes, -(i)benefits to arise out of such land; and(ii)things attached to such land or permanently fixed to anything attached to such land;(l)"mundkar" means a mundkar as defined in section 2(p) of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976);(m)"prescribed" means prescribed by rules made under this Act;(n)"property" includes every kind of land, title to such land and property declared as 'evacuee property';(o)"proprietor" includes a person who holds land granted to him or any of his predecessors-in-interest by the erstwhile Portuguese Government/regime by way of gift, sale or otherwise, his co-sharers, or person having become owner of land by prescription/adverse possession;(p)"section" means a section of this Act;(q)"tenant" means a tenant as defined in section 2 (23) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964);(r)"title holder" means a person or his successors in interest who were conferred or given the title by the erstwhile Portuguese Government/regime;(s)"Tribunal" means the Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965).

3. Abolition of proprietary and other rights.

(1)Notwithstanding anything to the contrary contained in any Usage, Settlement, Contract, Grant, Sanad, order or any other instrument, or order, Judgment or Decree of any Court or Notification or any law for the time being in force, and save as the Alvara granted under the Decree No. 3602 dated 24-11-1917 and land granted under the Code, on and from the appointed date -(i)all rights, title and interest of every proprietor, title-holder, grantee in or in respect of lands held by him as such proprietor, title-holder, grantee, shall be deemed to have been extinguished and permanently cancelled;(ii)all rights, title and interest of every proprietor, title-holder, owner, grantee, in respect of any lands held by him or his predecessors in title or his ancestors, under any of the titles conferred by erstwhile Portuguese Government/regime, or any lands held as such proprietor, title-holder, owner, grantee within the State of Goa, including those which has since been declared as "evacuee property" under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act No. 6 of 1964), and presently vested in the Custodian of evacuee property shall stand abolished, extinguished and permanently cancelled and all such rights, title and interest in any such proprietor, title-holder, owner, grantee to any such property/land shall stand transferred to and vest in the Government of Goa.(iii)all such lands which are presently vested in the Custodian of Evacuee property, as a "evacuee property" under the Goa, Daman and Diu Administration of Evacuee

Property Act, 1964 (Act No. 6 of 1964), including properties/lands at Mayem, Bicholim, Cuncolim, Siolim or in any other part of the State of Goa shall stand transferred to and vest in the Government of Goa free from all encumbrances, mortgage, debt, or charge of any kind whatsoever and all right, title and interest in all such property/lands shall stand transferred to and vest in the Government of Goa.(2)Where under any agreement or contract made before the appointed date any rent or other dues for any period after the said date has been paid to or compounded or released by a proprietor, the same shall, notwithstanding such agreement or contract, be recoverable from the proprietor, title-holder or grantee; and may without prejudice to any other mode of recovery, be realized by deduction from the compensation payable to the proprietor, title-holder or grantee under this Act.(3)All titles conferred, all grants made, extended, issued, conferred shall stand abolished and all right, title and interest in any matter, and lands, or any other property by virtue of such title or grant shall also stand abolished, and all such right, title and interest in all such land/properties shall stand transferred to and vest in the Government of Goa, free from all encumbrances of whatsoever nature; and every mortgage, debt or charge; on any such right, title and interest to any of such title or grant over any such lands by virtue of and pursuance to such title or grant, shall be a charge on the amount of compensation payable to such proprietor, titleholder or grantee under this Act.

4. Re-grant of certain lands to the proprietor or title-holder or grantee as occupant.

(1)Immediately after the vesting of the lands in the Government of Goa under section 3, the following lands shall be deemed to have been re-granted to the proprietor or title-holder or grantee from whom they had vested in the Government of Goa and the proprietor, titleholder or grantee shall hold them from the Government of Goa as an occupant class-II under the Code, on payment to the Government land revenue as provided in section 6, namely: -(a)Homesteads, buildings and structure together with lands appurtenant thereto in the occupation of the proprietor or titleholder or grantee, but excluding those which are in the possession of a cultivating tenant or mundkar, as the case may be;(b)lands under the personal cultivation of the proprietor or title-holder or grantee, not being pasture or grass lands.(2)whosoever in contravention of the provisions of section 3 and sub-section (1) refers to himself for the said title or as a proprietor of the land or as a grantee of the land and continues to so hold out shall be punished with imprisonment for a term which may extend to three months and liable for fine of Rs. 1,00,000/- (Rupees One lakh).

5. Collector to take charge of lands etc. vested in the Government of Goa.

(1)The Collector shall take charge or possession of all lands and of all rights, titles and interest therein of a proprietor, title-holder or grantee vested in the Government of Goa under section 3; and for this purpose the Collector or any Officer authorised by him, may take such steps or use such force as may be necessary.(2)Nothing in this section shall be deemed to authorise the Collector to take possession of any land of the proprietor, title-holder or grantee which may have been re-granted to him under section 4 of this Act.

6. Liability of lands for payment of land revenue from the appointed date.

(1) All lands, the rights, title and interest of which have vested in the Government of Goa under section 3 shall, on and from the appointed date, be liable to the payment of land revenue to the Government in accordance with the revenue survey and settlement of land revenue conducted/made for the said purpose: Provided that until the revenue survey and settlement of land revenue of such lands are made, the land revenue payable in respect of such lands shall be, - (i) in case where any such land is held for the purpose of cultivation by a cultivating tenant, be one-twentieth of the rent or where the rent is in kind, the cash equivalent (which shall be determined as hereinafter provided) of one-twentieth of the rent payable by the cultivating tenant to the proprietor immediately before the 20th December, 1961; (ii) in case of any other land stated in section 4, be calculated at such rate or rates as the Collector may fix having regard to the rent payable immediately before the 20th December, 1961, for such or similar land: Provided further that the amount of land revenue payable under the preceding proviso shall, in no case, exceed rupees twenty-five per hectare in the case of jirait land, rupees fifty per hectare in the case of paddy land and rupees seventy-five per hectare in the case of garden land. Explanation. - (i) "paddy land" means land used for the cultivation of paddy; (ii) "garden land" means land irrigated by a well, tank, canal, river, nala or any other source of water and used for the cultivation of fruits including coconuts, areca nuts or vegetables; (iii) "jirait land" means land other than a paddy or a garden land. (2) For the purposes of sub-section (1), the Collector shall publish in the Official Gazette on the 1st January of each year the price of paddy or other crop which shall be adopted for determining the cash equivalent of the rent for that year.

7. Rights of certain cultivating tenants to be restored to possession of their lands.

(1) Any cultivating tenant who has been evicted from any land on or after 20th December, 1961, may, if the land from which he was evicted was in the possession of the proprietor, titleholder or grantee make an application to the Collector within six months from the appointed date for restoration of such land on the ground that he was evicted from such land without any reasonable excuse. (2) On receipt of such application or suo-motu, the Collector or any Officer appointed by the Government in this behalf, may make such enquiry as he thinks fit. (3) If, on such enquiry, the Collector is satisfied that such a cultivating tenant was in possession of that land on or after 20th December, 1961, and that he was evicted therefrom by the proprietor, title-holder or grantee thereof, on any ground other than the grounds specified in sub-section (4), he may order restoration of such land to the cultivating tenant, or direct the proprietor, title-holder or grantee, to pay such compensation to him as the Collector may deem appropriate in the circumstances of the case. (4) The grounds referred to in sub-section (3) are the following: - (a) the cultivating tenant had failed to pay rent to the proprietor; (b) the cultivating tenant had failed to cultivate the land personally; (c) the cultivating tenant had unlawfully sub-let the land; (d) the cultivating tenant had done any act which was permanently injurious or destructive to the land.

8. Rights of cultivating tenants to hold land as occupants.

(1) Every cultivating tenant holding land (not being pasture or grass lands) of which he is in actual possession on the appointed date shall, as from that date, be the occupant thereof on payment of land revenue to the Government under section 6. (2) Every agricultural labourer or village artisan, who, on the appointed day, is in occupation of any land for the purpose of his own dwelling house, shall, as from the appointed date, be the occupant thereof on payment of land revenue to the Government under section 6. (3) Every person to whom any land is restored under section 7 shall hold such land as occupant on payment of land revenue to the Government under section 6 from the date such land is ordered to be restored to him under section 7. (4) No land granted under this Act to any cultivating tenant, shall be sold or transferred; nor shall the same be used for any purpose other than agriculture/horticulture.

9. Occupant to cultivate land personally.

(1) If, at any time after the appointed date, the person who has become an occupant of any land under section 8, fails to cultivate such land personally, he shall, unless the Collector condones such failure for sufficient reasons, be evicted from the land which he has failed to cultivate personally. (2) The provisions of sub-section (1) shall apply to the heirs and successors-in-title of the person referred to in sub-section (1).

10. Transfer of land barred.

(1) No sale (including sales in execution of a Decree of a Civil Court or for recovery of arrears of land revenue), gift, exchange or lease or assignment or arrangement or mortgage of any land in respect of which any person has become an occupant under sections 4 and 8, shall be made, except with the previous permission in writing of the Government, which may grant such permission in such circumstances and subject to such conditions as may be prescribed: Provided that no such permission for sale shall be granted if the person in whose favour sale is made is other than an agriculturist in/from the State of Goa. (2) Notwithstanding anything contained in sub-section (1), it shall be lawful for an occupant to mortgage or create a charge on any land referred to in sub-section (1) in favour of the Government or a Co-operative Society or the State Bank of India or any other Scheduled Bank in consideration of a loan advanced to him by the Government or the Co-operative Society or the State Bank of India or the Scheduled Bank, as the case may be, for improvement of the land for agricultural purposes only.

11. Forfeiture of land transferred in contravention of section 10.

(1) Where in respect of the transfer of any land, the Collector suo-motu or on the application of any person interested in such land has reason to believe that such transfer is in contravention of section 10, he shall issue a Notice to the transferor and the transferee to show cause as to why the transfer should not be declared to be in contravention of section 10, and shall hold an inquiry and decide whether the transfer is in contravention of section 10 or not. (2) If after holding such inquiry the

Collector declares the transfer to be in contravention of section 10, the land in respect of which such contravention has taken place shall be deemed to be forfeited to the Government without the payment of any compensation.(3)Notwithstanding anything contained in sub-sections (1) and (2) hereinabove, all transfers made in contravention of section 10, shall be void ab initio.

12. Declaration of conferment of Occupancy Rights.

(1)As soon as may be after the appointed date, the Collector shall publish or cause to be published in the prescribed manner a Provisional Declaration in the prescribed form giving the names of the Proprietors and the particulars of the lands which are deemed to have been re-granted to them under section 4; and also the names of cultivating tenants and the particulars of lands in respect of which they are to become occupants under section 8. The Declaration shall also call upon all persons interested in the lands specified in the Declaration to submit to him the objections to the said Provisional Declarations, within two months from the date of publication of the said Declaration.(2)The Collector shall consider the objections received by him under sub-section (1) and shall make an order disposing off each individual objection.(3)Any person aggrieved by such an order may, within a period of thirty days from the date of such order, file an appeal to the Tribunal. The Tribunal shall dispose of such an appeal after giving the parties concerned an opportunity of being heard.(4)The Declaration issued under sub section (1) as modified by the orders if any, passed by the Collector, or where an appeal has been filed, as modified by the decision of the Tribunal, shall be final and shall be conclusive evidence of the conferment of occupancy rights in respect of any land under section 4 or section 8.

13. Compensation to Proprietors.

- A proprietor or a grantee of land whose rights, title and interest in respect of his lands vest in the Government under section 3, shall be entitled to payment of compensation in respect of the lands which have vested in the Government and have not been re-granted to him under section 4, at the rate of twenty times the annual payment (Contribuição Predial) which the proprietor or grantee was liable to make to the erstwhile Portuguese Government/regime in respect thereof immediately before 20th December,1961.

14. Method of payment of compensation.

(1)Any person entitled to compensation under section 13 shall, on or before such date as the Government may specify in this behalf from time-to-time by a Notification in the Official Gazette, make an application to the Collector in the prescribed form for payment of such compensation.(2)On receipt of an application under sub-section (1), the Collector shall, after making such inquiry as he thinks fit, determine the amount of compensation payable to such person:Provided that where there are more than one person entitled to such compensation, the Collector shall apportion the compensation among them:Provided further that in cases of disputes regarding the apportionment of compensation among the persons entitled to the compensation, the Collector shall direct them to have their respective shares adjudicated upon by a competent Civil Court and the payment of compensation shall be in accordance with such adjudication thereof.

15. Payment of compensation.

- The compensation determined under section 14 shall, after deducting therefrom the dues, if any, referred to in section 3 and sub-section (6) of section 26, be paid in cash to the person or persons to whom it is payable; but if any such person refuses to accept payment, the amount payable to him shall be deposited by the Collector in a competent District Court.

16. Proprietors to deliver records to Collector and Authorised Officers.

(1)Whenever Collector or any Officer authorised by the Collector in this behalf so directs, a proprietor or grantee shall deliver to him or such other Officer as may be specified in the direction, the records relating to the lands or village or villages held by him as the proprietor.(2)If a proprietor or grantee fails without reasonable cause to deliver any such records, he shall, be punished with a fine which may extend to two thousand rupees and in case of a continuing failure to deliver any such records, the proprietor shall be punished with an additional fine which may extend to two hundred rupees for every day during which such failure continues after conviction for the first such failure.

17. Duties and functions of the Collector.

- For the purpose of this Act, the following shall be the duties and functions to be performed by the Collector, namely: -(a)to decide whether a person is a proprietor, grantee or title-holder;(b)to decide whether a person is an agricultural labourer;(c)to decide whether a person is a cultivating tenant;(d)to decide the amount of rent recoverable from the proprietor under section 3;(e)to decide the homesteads, buildings and structures together with land appurtenant thereto and the lands under personal cultivation which are deemed to be re-granted to the proprietor under section 4;(f)to determine the land in respect of which occupancy rights are conferred under section 8 and the person on whom they are conferred;(g)to take measures for restoration of land to the cultivating tenant under section 7 and to recover compensation from the proprietor payable by him under sub-section (3) of that section; and(h)to decide such other matters as may be referred to him by or under this Act;(i)to carry out the directions and orders of the Government.

18. Commencement of Proceedings.

- Except as expressly provided by or under this Act, all inquiries and other proceedings before the Collector shall be commenced by an application which shall contain the following particulars, namely:-(a)the name, age, profession and place of residence of the applicant and the opponent;(b)a short description of the matter about which dispute has taken place or the amount of claim, as the case may be;(c)the circumstances out of which the cause of action arose;(d)a list of documents, if any, and of the applicants witnesses and the information as to whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of hearing; and(e)such other particulars as may be prescribed.

19. Procedure.

(1) In all inquiries and proceedings under this Act, the Collector shall exercise the same powers as that of the Mamlatdar under the Mamlatdar's Court Act, 1966 (Act No. 9 of 1966) (hereinafter, in this section, referred to as the "said Act") and shall (except as provided in sub-section (3) of section 7 and section 11) follow the provisions of the said Act. (2) In regard to any matter which is not provided in the said Act, the Collector shall follow the procedure as may be prescribed. (3) Every decision of the Collector shall be recorded in the form of an order and shall state the reasons for such a decision. (4) An appeal against any order of the Collector shall be filed within thirty days from the date of that order to the Tribunal.

20. Bar of jurisdiction.

(1) No Civil Court shall have jurisdiction to entertain, try, settle, decide or deal with any question which is by or under this Act, required to be settled, decided or dealt with by the Collector or by the Tribunal in appeal. (2) No order of the Collector or the Tribunal made under this Act shall be questioned in any Civil or Criminal Court.

21. Protection of action taken under this Act.

(1) No Suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder. (2) No Suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provision contained in this Act or any rules made thereunder or by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

22. Power to remove difficulty.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make such provisions (not inconsistent with this Act) as appear to it to be necessary or expedient for removing the difficulty. (2) An order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed date: Provided that no order under this section shall be made after the expiration of three years from the appointed date.

23. Power to make Rules.

(1) The Government may, by a Notification in the Official Gazette, make rules to carry out the purposes of this Act. (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa, while it is in session for a total period of 30 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 Legislative Assembly agrees in making any modifications in the rule; or the Legislative Assembly agrees that the rule should not be

made and notifies such a decision in the Official Gazette, the rule shall, from the date of publication of such a notification, 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 or permitted to be done under that rule.

24. Power of the Government to issue directions.

- For purpose of giving effect to the provisions of this Act and not otherwise, the Government shall have power to call for the records of any case pending before the Collector or any Officer subordinate to him or before any person or Authority under this Act; and after having examined the validity, legality and propriety of such an act, order or decision, may quash and set aside the same or issue such directions and orders as may be necessary in the interest of justice; but only after having heard all the parties who are likely to be affected by such an act, order or decision.

25. Offences.

(1)Whosoever contravenes the provisions of sub-section (4) of section 8 shall be deemed to have committed offence under this Act and shall be punished with imprisonment for a term which may extend to three months and with a fine of Rs. 1,00,000/- (Rupees One lakh).(2)An offence under this Act shall be triable by the Sessions Court of the District.

26. Miscellaneous.

(1)Notwithstanding anything contained in any other law, rule, Act, Decree, order or Judgement of the Court, the provisions of this Act shall apply to every grant made by the erstwhile Portuguese Government/regime, every title conferred or declared by the erstwhile Portuguese Government/regime by whatever name called; and every proprietorship of any kind whatsoever, granted by the erstwhile Portuguese Government/regime by any mode whatsoever, all of which shall stand abolished and be of no effect.(2)On and from the date of coming into force of this Act, no person shall be entitled to claim, hold out, declare, use or even maintain any such title, grant or proprietorship to the land/property of the person as the case may be.(3)For the purpose of avoidance of doubts, it is clarified that all grants or titles granted or given in grant by the erstwhile Portuguese Government/regime who enjoyed the Title of Visconde, Conde, Marquez, etc., in all and whichever villages of Goa; and all such properties given by grant or by conferring proprietorship rights, shall stand abolished, permanently cancelled, extinguished; and all such right, title, interest in such titles, grants and proprietor ships shall stand transferred to and vest in the Government.(4)Wherever any such property under a title or grant is declared as an evacuee property and entrusted to the Custodian of evacuee property under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act 6 of 1964), all such claims of compensation shall be routed through the Custodian.(5)The compensation payable to such a proprietor, grantee or title-holder declared as an evacuee or as the case may be, in case of properties entrusted to the Custodian, the same shall be paid and deposited with the Custodian.(6)It is further declared that compensation determined under this Act shall be paid after deducting therefrom, the dues if any, including any Cess, Taxes, Penalties, Outstanding, etc., and compensation shall be allowed only to

the landed properties or the right, title and interest in respect of lands only.(7)Wherever a claim of Mundkar ship or Tenancy has been made in terms of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976) or Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964), then such compensation for such areas or part thereof shall be paid to the respective Mundkar or Tenant as the case may be, and no proprietor or any grantee will be entitled to any compensation amount in respect of the said area.