Reg. No. RNP/GOA/32/2021-2023

RNI No. GOAENG/2002/6410

Panaji, 18th April, 2023 (Chaitra 28, 1945)

SERIES I No. 2

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

EXTRAORDINARY
No. 2

GOVERNMENT OF GOA

Department of Law

Legal Affairs Division

—

Notification

7/16/2023-LA

The Goa Restriction on Transfer of Agricultural Land Act, 2023 (Goa Act 18 of 2023), which has been passed by the Legislative Assembly of Goa on 31-03-2023 and assented to by the Governor of Goa on 17-04-2023, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

Porvorim, 18th April, 2023.

The Goa Restrictions on Transfer of Agricultural Land Act, 2023

(Goa Act 18 of 2023) [17-04-2023]

An

Act

to impose restrictions on the transfer of certain agricultural lands in the State of Goa and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembl of Goa in the Seventy-fourth Year of th Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Restrictio on Transfer of Agricultural Land Act, 2023

(2) It extends to the whole of the State Goa.

(3) It shall come into force on such date a the Government may, by notification in th Official Gazette, appoint.

2. *Definitions.*— In this Act, unless th context otherwise requires,-

(*a*) "agriculture" means cultivation paddy;

(*b*) "agriculturist" means a person wl cultivates agricultural land personally;

(*c*) "agricultural land" means a lar which is presently being used for cultivati of paddy but does not include the lar which is earmarked for the use or purpos partly or fully, other than agriculture in a plan prepared under the Goa Town a Country Planning Act, 1974 (Act 21 1975);

(*d*) "Collector" means the Collector as defined in clause (7) of section 2 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969);

(*e*) "Government" means the Government of Goa;

(*f*) "Mamlatdar" means a person appointed as a Mamlatdar by the Government and includes a Joint Mamlatdar;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "to cultivate land personally" means to cultivate land on one's own account,-

(*i*) by one's own labour; or

(*ii*) by the labour of any member of one's family; or

(*iii*) by a servant on wages payable in cash or kind but not in crop share, or by hired labour, under one's personal supervision or the personal supervision of any member of one's family;

(*i*) "Tribunal" means the Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965).

3. *Restriction on transfer of agricultural land.*— (*1*) No person who owns or occupies or in possession of an agricultural land shall transfer such land by way of sale (including sale in execution of a decree of a Civil Court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue), gift, exchange, lease or by any other mode of transfer, in favour of a person other than an agriculturist:

Provided that the Collector may on an application made in a prescribed form grant permission to transfer such land to a person other than Agriculturist in any of the following circumstances, namely:—

(*a*) the land is required for purpose of agriculture by industrial or commercial undertaking in connection with such industrial or commercial operations carried on by such undertaking;

(*b*) the land is required by a co-operative farming society;

(*c*) on the request by a person to the Collector, the Collector is satisfied that the land is required for cultivating it personally by a person, who, not being an agriculturist, intends to take up agriculture and is capable of cultivating land personally;

(*d*) in such other circumstances as may be prescribed:

Provided further that the person referred at clause (*c*) above shall take up agriculture on such land within a period of three years from the date of acquisition of such land and continue to carry thereon agriculture, failing which, such land shall vest in the Government, upon expiry of three years from the date of abandonment or discontinuation of such activity.

(*2*) No person who owns or occupies or in possession of any agricultural land shall use or allow it to be used for any purpose other than agriculture, except by following due procedure laid down under any law in force.

(*3*) Any transfer of an agricultural land in contravention of the provisions of sub-section (*1*) shall be null and void and non-est in the eyes of law and shall not confer any right or title to or interest in such agricultural land in favour of the transferee.

(*4*) If any question arises as to whether any land is an agricultural land or not, the Mamlatdar of the respective jurisdiction shall after holding such inquiry as deemed fit by him decide such question.

4. *Act not to apply in certain cases.*— The provisions of this Act shall not apply to,-

(*i*) a mortgage of agricultural land for raising loan for effecting any improvement to the agricultural land;

(*ii*) an acquisition of right to agricultural land by inheritance;

(*iii*) transfer of agricultural land by operation of law; and

(*iv*) transfer of agricultural land in favour of Government for any Government project.

5. *Penalty.*— Whoever contravenes the provisions of section 3 by transferring the agricultural land, the transferor as well as the transferee each of them shall be punished with fine equivalent to market value of such land to be determined as per the rates fixed by the Government for such land.

6. *Forfeiture of land transferred in contravention of section 3.*— (*1*) Where in respect of the transfer of any land, the Collector suo moto or on the application of any person has reason to believe that such transfer is in contravention of section 3, he shall issue notice to the transferor and the transferee to show cause as to why the transfer should not be declared to be in contravention of said section 3, and shall also hold an inquiry to decide whether the transfer is in contravention of said section 3 or not.

(*2*) If, after holding such inquiry, the Collector declares that the transfer to be in contravention of section 3, 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 3 shall be void ab initio.

7. *Procedure in inquiries.*— (*1*) All inquiries and proceedings under this Act shall be conducted by the Collector or such officer not below the rank of Mamlatdar as authorized by the Government by Notification in the Official Gazette and in such manner as prescribed.

(*2*) Every decision of the Collector or officer stated in sub-section (*1*) shall be recorded in the form of an Order and shall state the reasons for such a decision.

8. *Appeal and Revision.*— (*1*) An appeal shall lie from every original order, other than an interim order, passed under this Act.-

(*i*) if such an order is passed by the Mamlatdar, to the Collector;

(*ii*) if such an order is passed by the Collector, to the Tribunal.

(*2*) No appeal shall lie against any order except as provided under sub-section (*1*) above.

(*3*) Any person, who is aggrieved by any final order passed under sub-section (*1*) may, within thirty days from the date of such final order of the Collector or the Tribunal, file a revision before the High Court;

(*4*) A revision application filed before the High Court shall be heard by a bench consisting of not less than two judges.

9. *Bar of jurisdiction.*— 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 the officer stated in section 8 or the Tribunal.

10. *Protection of action taken under this Act.*— (*1*) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under 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.

11. *Limitation and court fees.*— (*1*) Every appeal under this Act shall be filed within a period of thirty days from the date of the order of the Collector or the officer stated in section 8, as the case may be, and the provisions of

section 4, 5, 12 and 14 of the Limitation Act, 1963 (Act,36 of 1963), shall apply to the filing of such appeal.

(2) Notwithstanding anything contained in the Court Fees Act, 1870 (7 of 1870), as in force in the State of Goa, every appeal or application made under this Act to the Collector or authorized officer or to the Tribunal shall bear a court fee stamp of rupees fifty and every revision Application filed before the High Court shall bear a court fee stamp of rupees one hundred and fifty.

12. *Power to make rules.*— The Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

13. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from date of the commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Goa.

SANDIP JACQUES
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

Secretariat,
Porvorim-Goa.
Dated: 18-04-2023.

Department of Revenue

Notification

16/1/2/2020-Rev-I/Pt.III/489

In exercise of the powers conferred by sub-section (3) of section 1 of the Goa Restriction on Transfer of Agricultural Land Act, 2023 (Goa Act 18 of 2023), the Government of Goa hereby appoints the 18th day of April, 2023 as the date on which the provisions of the said Act shall come into force.

By order and in the name of the Governor of Goa.

Durga Kinlekar, Under Secretary (Revenue-I).

Porvorim, 18th April, 2023.

www.goaprintingpress.gov.in

Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 4.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—21/160—04/2023.