

The Goa Land Revenue Code (Amendment) Bill, 2018

(Bill No. 14 of 2018)

A

BILL

further to amend the Goa Land Revenue Code, 1968 (Act No. 9 of 1969).

BE it enacted by the Legislative Assembly of Goa in the Sixty-ninth Year of the Republic of India, as follows: -

1. **Short title and commencement.**- (1) This Act may be called the Goa Land Revenue Code (Amendment) Act, 2018.

(2) It shall come into force at once.

2. **Amendment of section 33.**- In section 33 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969) (hereinafter referred to as the “principal Act”), after sub-section (2), the following sub-section shall be inserted, namely:-

“(3) Notwithstanding anything contained in this section, the Collector upon receipt of report from the Town and Country Planning Department/Environment Department/Goa Coastal Zone Management Authority that any person has done land filling in any low lying area, khazan land, land under Coastal Regulation Zone, water body or environmentally/ecologically sensitive area, shall, without issuing any notice to the owner of land or such person, immediately restore the same to its original position and any cost incurred in so doing shall be recoverable from such person as if it were arrears of land revenue.”.

3. **Amendment of section 61.**- In section 61 of the principal Act, after sub-section (4), the following proviso shall be inserted, namely:-

“Provided that such limits as may be prescribed shall not be applicable for partition of the land purchased by a mundkar under the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No.1 of 1976).” .

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend section 33 of the Goa Land Revenue Code, 1968 (Act No.9 of 1969) (hereinafter referred to as the “said Act”) so as to empower the Collector to take immediate action against illegal land filling in any low lying area, khazan land, land under Coastal Regulation Zone, water body or environmentally/ecologically sensitive area.

The Bill further seeks to amend section 61 of the said Act so as to enable the mundkar to get the land purchased by him partitioned, irrespective of the limits of such area.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

Clause 2 of the Bill empowers the Collector to take immediate remedial action for restoration of the site concerned, for which initially some expenditure will need to be borne, which thereafter will be recovered under due process of law. The financial implications on this count cannot be quantified at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is envisaged in this Bill.

**Assembly Hall,
Porvorim, Goa.
30th July 2018**

**(Rohan A. Khaunte)
Minister for Revenue**

**Assembly Hall,
Porvorim, Goa.
30th July 2018**

**(Nilkanth Subhedar)
Secretary to the Legislative
Assembly of Goa**

ANNEXURE

**EXTRACT OF SECTION 33 AND 61 OF THE GOA LAND REVENUE
CODE, 1968 (ACT NO. 9 OF 1969).**

33. Penalty for so using land without permission. —(1) if any land held or assessed for one purpose is used for another purpose without obtaining permission of the Collector under section 32 or 32-A or before the expiry of the period after which the change of user is deemed to have been granted under that section, or in contravention of any of the terms and conditions subject to which such permission is granted, the holder thereof or other person claiming through or under him, as the case may be, shall be liable to the one or more of the following penalties, that is to say,—

- (i) to pay non-agricultural assessment on the land with reference to the altered use;
- (ii) to pay such fine not exceeding the market value of the land as the Collector may, subject to rules made by the Government in this behalf, direct;
- (iii) to restore the land to its original use or to observe the conditions on which the permission is granted within such reasonable period as the Collector may by notice in writing direct; and such notice may require such person to remove any structure, to fill up any excavation or to take such other steps as may be required in order that the land may be used for its original purpose or that the conditions may be satisfied.

(1A) Where the land has been used for dumping mining rejects or like material without permission, the Government may impose such fine as may be prescribed.

(2) If any person fails within the period specified in the notice aforesaid to take steps required by the Collector, the Collector may also impose on such person a penalty not exceeding three hundred rupees for such contravention, and a further penalty not exceeding thirty rupees for each day during which the contravention continues. The Collector may himself take those steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person as if it were an arrear of land revenue.

Explanation:— Using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be change of user.

61. Partition.— (1) Subject to the provisions of any law for the time being in force for the prevention of fragmentation and consolidation of holdings, a holding may be partitioned on the decree of a civil court or on application of ⁴⁴[holder] in the manner hereinafter prescribed.

(2) If in any holding there is more than one co-holder, any such co-holder may apply to the Collector for a partition of his share in the holding:

Provided that, where any question as to title is raised, no such partition shall be made until such question has been decided by a civil suit.

(3) Subject to the provisions of sub-section (4), the Collector may, after hearing the co-holders, divide the holding and apportion the assessment of the holding in accordance with the rules made by the Government under this Code.

Provided that nothing in this sub-section shall apply to any land acquired by the Government under any law for the time being in force, dealing with acquisitions of land by the Government and the Director of Settlement and Land Records shall carry out partition within six months of the receipt of mutated land index form from the concerned Mamlatdar and effect necessary changes in the land record on the basis of records relating to possession obtained under such law.

(4) The application under sub-section (2) shall be rejected if the partition applied for results in creating a holding, the area or land revenue of which will be below such limits as may be prescribed.

(5) Expenses properly incurred in making partition of a holding shall be recoverable as a revenue demand in such proportion as the Collector may think fit from the co-holders at whose request the partition is made, or from the persons interested in the partition.