

**The Goa Highways Law (Revival of
Operation, Amendment and
Validation) Bill, 2023**

Bill No. 22 of 2023

A

Bill

*to revive the Operation of the Goa Highways Act,
1974 (Act 10 of 1974).*

5 BE it enacted by the Legislative Assembly of
Goa in the Seventy - fourth Year of the Republic
of India as follows:—

1. Short title, extent and commencement.—

10 (1) This Act may be called the Goa Highways
Law (Revival of Operation, Amendment and
Validation) Act, 2023. (2) It shall extend to the
whole of the State of Goa.

(2) It shall be deemed to have come into force
on the 26th day of September, 2013.

15 **2. Revival of operation.—** (1) All the provisions
of the Goa Highways Act, 1974 (Act 10 of 1974)
(*hereinafter referred to as the "1974 Act"*), except
the provisions relating to the determination of
compensation for acquisition of land, shall stand
20 revived with effect on and from the 26th day of
September, 2013.

(2) All rules, notifications, notices, orders,
directions issued or any other proceedings
initiated under the 1974 Act, except those
relating to determination of compensation for
25 acquisition of land, which were in force

immediately before the 26th day of September, 2013 shall, for all purposes, be deemed to have been revived on and from the 26th day of September, 2013.

(3) The provisions relating to the determination of compensation as specified in the First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) shall apply to the land acquisition proceedings under the 1974 Act: 5 10

Provided that, in the event the land has been acquired under the Policy on Procurement of land under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for Direct Procurement of land to set up public purposes projects on priority basis, the provisions of sub section (3) shall not apply to such acquisition. 15

(4) Save as otherwise provided in this Act, the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) shall cease to apply to any land which is required for the purpose specified in sub-section (1) of section 15 of the 1974 Act and any such land shall be acquired by the Government only in accordance with the provisions of the 1974 Act. 20 25

3. Amendment of section 2.— In section 2 of the 1974 Act,— 30

(i) for clause (h), the following clause shall be substituted, namely:-

“(h) *Government*” means the Government of Goa;”;

(ii) after clause (k), the following clause shall be substituted, namely:-

5 “(kk) *land*” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;”;

10 (iii) after clause (p), the following clause shall be inserted, namely:-

 “(pp) *person interested*” means— (i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act;

15 (ii) the Scheduled Tribes and other traditional forest dwellers, who have lost any forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
20 (Central Act 2 of 2007);

 (iii) a person interested in an easement affecting the land;

 (iv) persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be
25 called; and

 (v) any person whose primary source of livelihood is likely to be adversely affected;”;

30 (iv) after clause (r), the following clause shall be inserted, namely:-

 “(rr) *Special Land Acquisition Officer*” means any person or authority authorised

by the Government, by a notification in the Official Gazette, to perform the functions of the Special Land Acquisition Officer for such area or areas, as may be specified in such notification;”;

(v) clause (t) shall be omitted.

4. Amendment of section 16.— In section 16 of the 1974 Act, after the words “cause the land to be marked out” the expression “in the presence of the Special Land Acquisition Officer” shall be inserted.

5. Substitution of section 17.— For section 17 of the 1974 Act, the following section shall be substituted, namely:-

“17. Public Notice and other notices of such requirements for acquisition.— (1) The Special Land Acquisition Officer shall then cause a public notice to be given at convenient places on or near such land stating that the Government intends to take possession of the land, or, as the case may be, to extinguish any right or interest in the land and that claims to compensation for all interest in such land, or any right or interest in land to be extinguished may be made to the Special Land Acquisition Officer.

(2) Such notice shall state the particulars of the land so needed or right or interest in land to be extinguished and shall require all persons interested in the land or in the right or interest to be extinguished to appear personally or by an agent before the Special Land Acquisition Officer, at the time mentioned therein (such time not being earlier than fifteen days after

the date of publication of the notice) and to state the nature of their respective right or interest in the land, or, as the case may be, in the right or interest to be extinguished and the amount and the particulars of their claims to compensation for such right or interest or both and their objections, if any, to the measurements made under section 16. The Special Land Acquisition Officer may, in any case, require such statement to be made in writing and signed by the party or his agent.

(3) The Special Land Acquisition Officer shall also serve notice to the same effect on the occupier of such land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the district in which the land is situated.

(4) In case any person so interested resides, elsewhere, a notice shall be served in the manner provided in section 71.”.

6. Amendment of section 18.— In section 18 of the 1974 Act, in sub - section (1), for the words “The Highway Authority or the officer authorised by it”, the words “The Special Land Acquisition Officer” shall be substituted.

7. Substitution of section 19.— For section 19 of the 1974 Act, the following section shall be substituted, namely:-

“19. Taking possession of land.— (1) Upon pronouncement of the award by the Special Land Acquisition Officer, the land shall vest

absolutely in the Government free from all encumbrances.

(2) Where any land has been vested in the Government under sub-section (1), and the amount determined by the Special Land Acquisition Officer with respect to such land has been deposited under section 39, the Special Land Acquisition Officer may by notice in writing direct the owner as well as any other person who may be in possession of such land to surrender or deliver possession thereof to any person duly authorised by it in this behalf within sixty days of the service of the notice. 5 10

(3) Where the land has been vested in the Government under sub-section (1), it shall be lawful for any person authorised by the Highway Authority in this behalf, to enter and do such other act necessary upon the land for carrying out the building, maintenance, management or operation of a highway or a part thereof, or any other work connected therewith.”. 15 20

8. Insertion of new section 19A.— After section 19 of the 1974 Act, the following section shall be inserted, namely:- 25

“19A. Special powers to acquire land in case of urgency in certain cases. — In case of urgency, whenever the Government so directs, the Special Land Acquisition Officer, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 17, take possession of any land needed for a public 30

purpose and such land shall thereupon vest absolutely in the Government, free from all encumbrances.

5 (2) The powers of the Government under sub-section (1) shall be restricted to the minimum area required for any emergencies arising out of natural calamities or any other emergency, with the approval of the Government.

10 Provided that the Special Land Acquisition Officer shall not take possession of any building or part of a building under this section without giving to the occupier thereof at least forty-eight hours notice of his intention to do so, or such longer notice as may be reasonably sufficient to
15 enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) Before taking possession of any land under this section, the Special Land Acquisition Officer
20 shall tender payment of eighty percent of the compensation for such land as estimated by him to the person interested and entitled thereto.

(4) In case of any land to which, in the opinion of the Government, the provisions of sub-section
25 (1), sub-section (2) or sub-section (3) are applicable, the Government may direct that any or all of the provisions of sections 15 to 19, 26 to 28 and 32 shall not apply.

(5) An additional compensation of seventy-five
30 percent of the total compensation as determined, shall be paid by the Special Land Acquisition Officer in respect of land and property for acquisition of which proceedings have been initiated under sub-section (1) of this section:

Provided that no additional compensation will be required to be paid in case the project is one that affects the sovereignty and integrity of India, the security and strategic interests of the State or relations with foreign States.” 5

9. Substitution of section 24.— For section 24 of the 1974 Act, the following section shall be substituted, namely:-

“24. Appeal against notice served under sub-section (1) of section 23.— Where the person on whom notice to remove an encroachment has been served under sub-section (1) of section 23 lays claim that the land in respect of which encroachment has been alleged is his property, he shall, within the time-limit prescribed in the notice for the removal of the encroachment, file an appeal before the Collector under intimation to the Highway Authority or the officer authorised under sub-section (1) of section 21, as the case may be. The Collector shall after due enquiry record his decision in writing and communicate the same to the appellant and the Highway Authority or such officer. The Highway Authority or such officer shall till then desist from taking further action in the matter.”. 10
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10. Amendment of section 26.— In section 26 of the 1974 Act, clauses (a), (c) and (e) shall be omitted.

11. Amendment of section 28.— In section 28 of the 1974 Act,- 30

(i) in sub-section (1) clause (a) shall be omitted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:-

5 “(2) In determining the amount of compensation, the Highway Authority or the officer so authorised shall be guided only by the actual monetary loss suffered by the affected party.”.

10 **12. Omission of sections 29, 30 and 31.**— Sections 29, 30 and 31 of the 1974 Act shall be omitted.

13. Amendment of section 32.— In section 32 of the 1974 Act, sub - section (2) shall be omitted.

15 **14. Substitution of section 33.**— For section 33 of the 1974 Act, the following section shall be substituted, namely:-

20 **“33. No compensation for unauthorised erections.**— If any person has erected, re-erected, or added or altered any building on any land which is the subject matter of a notification issued under sub- section 2 of section 15, then any increase in the value of the land from such erection, re-erection, addition or alteration shall not be taken into account in estimating the value of the land.”.

25 **15. Amendment of section 35.**—In section 35 of the 1974 Act, —

 (i) for sub-section (1), the following sub-section shall be substituted, namely :-

30 “(1) Any person aggrieved by the award of the Special Land Acquisition Officer, the

Highway Authority or the officer authorised under section 28 may, by a written application to the Special Land Acquisition Officer, the Highway Authority or such officer, as the case may be, require that the matter be referred to the Civil Judge within the limit of whose jurisdiction such land is situated.”; 5

(ii) for sub-section (4), the following sub-section shall be substituted, namely:- 10

“(4) The Special Land Acquisition Officer, the Highway Authority or the officer authorised shall make the reference in such manner as may be prescribed.”.

16. Amendment of section 37.— For section 37 of the 1974 Act, the following section shall be substituted, namely:- 15

“37. Superintendent of Police to enforce surrender or remove any encroachment.— If the Special Land Acquisition Officer, the Highway Authority or any officer or servant is opposed or impeded in taking possession of any land or in executing any work or in removing any encroachment under this Act, the Special Land Acquisition Officer, the Highway Authority or officer or servant concerned shall apply to the Superintendent of Police or such Police Officer as the Government may empower in this behalf, and the Superintendent or the officer so empowered shall enforce the surrender, removal or execution, as the case may be.”. 20 25 30

17. Amendment of section 39.— In section 39 of the 1974 Act, —

(i) in sub-section (2), after the expression “under section 28,” the expression “ or under section 19” shall be inserted;

5 (ii) for sub-section (3), the following sub-section shall be substituted, namely:—

10 “(3) If a reference is made under section 35 against such award, after the decision of the Authority under that section, the Special Land Acquisition Officer or the Highway Authority shall make the payment of the compensation awarded to the person entitled thereto in accordance with the agreement, the award or the decision of the authority empowered to decide references under section 35, as the case may be. The amount shall be paid to the persons entitled, by depositing the amount in their bank accounts. If the person entitled to compensation does not give his consent to receive it or in the event there is any dispute as to the title to receive the compensation or as to the apportionment of it, the Special Land Acquisition Officer, or the Highway Authority shall deposit the amount of the compensation with the Authority to which a reference under section 35 would be submitted:

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30 Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make an application under sub-section (1) of section 35;

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.”. 5

18. Validation.— Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, the provisions of the 1974 Act, except the provisions relating to determination of compensation, shall be deemed to have been in force in all material times during the period commencing on the 26th day of September, 2013 and ending with the date of commencement of this Act, and anything done or any action taken under the 1974 Act, except those relating to determination of compensation shall be deemed to have been validly done or taken under the 1974 Act. 10 15

STATEMENT OF OBJECTS AND REASONS

After the enactment of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 the process of acquisition of land for roads became extremely difficult. The bill therefore seeks to revive Goa Highway Act 1974 (Act 10 of 1974) which was repealed upon commencement of said Central Act 30 of 2013. Proposed bill also seeks to amend said Highway Act 1974 so that process of acquisition and award is simplified and acquisition for road could be done expeditiously. While the present bill provides for acquisition for land for roads, it also provides payment of compensation to affected land owners under Central Act 30 of 2013.

This bill seeks to achieve above objects.

FINANCIAL MEMORANDUM

Presently, there are no financial implications. However, as and when land will be acquired for road, there will be financial implication on that account which cannot be quantified at this stage.

**MEMORANDUM REGARDING DELEGATED
LEGISLATION**

Clause 3 of the bill empowers the Government to authorize any person or authority by notification in the Official Gazette to perform the function of Special Land Acquisition Officer.

This delegation is of normal character.

Porvorim, Goa
28th March, 2023

(Nilesh Cabral)
Minister for Public Works
Department

Porvorim, Goa
28th March, 2023

(Namrata Ulman)
Secretary to the Legislative
Assembly



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Highways Law (Revival of
Operation, Amendment and
Validation) Bill, 2023**

(Bill No. 22 of 2017)

(To be introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
MARCH 2023

