



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA ESCHEATS, FORFEITURE AND
BONA VACANTIA BILL, 2024**

(Bill No. 30 of 2024)

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

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2024

**The Goa Escheats, Forfeiture and Bona
Vacantia Bill, 2024**

(Bill No. 30 of 2024)

A

BILL

5 *to provide for taking over of charge, management,
administration, supervision, custody and
disposal of property vested in the State of Goa
qua ultima heres under article 296 of the
Constitution of India by escheat or lapse, or as
bona vacantia and for matters connected
therewith or incidental thereto.*

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

CHAPTER-I

Preliminary

15 **1. Short title, extent, commencement and
application.**— (1) This Act may be called the
Goa Escheats, Forfeitures and Bona Vacantia Act,
2024.

20 (2) It shall extend to the whole of the State of
Goa.

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

25 (4) It applies to all properties, which according
to the Constitution of India have vested or having
become vested or shall vest in the Government

by escheat or lapse, or as *bona vacantia*, or which is forfeited or having become forfeited or shall forfeit in the Government under the provisions of this Act.

2. Definitions.— In this Act, unless the context otherwise requires,— 5

(a) "Appellate Authority" means the Government or such authority that the Government may by general or special order delegate such function to; 10

(b) "Bona vacantia" includes any property, situated in the State of Goa, of which there is no rightful owner, but does not include an escheat or any movable property found in a public place; 15

(c) "Claimant" means a person who had a legal claim on the previous owner, or just or natural right or claim to succeed to the previous owner's property or to any part thereof and claiming any interest in escheated property; 20

(d) "Competent Authority" means any person or authority authorised by the Government not below the rank of Junior Scale Officer-Class A, by notification in the Official Gazette, to perform such functions of the competent authority or functions incidental thereto under this Act; 25

(e) "Court" means any civil court of competent jurisdiction;

(f) "Escheat" means the automatic transfer 30 to the Government of property of a person who dies intestate and without any legal heirs according to his personal law;

(g) "Escheated property" means any movable or immovable property such as land, building or other real or personal property or any interest, legal or equitable in it, which has
5 vested or having become vested or shall vest in the Government by escheat or lapse, or as bona vacantia under the provisions of this Act;

(h) "Government" means the Government of Goa;

10 (i) "Notification" means a notification published in the Official Gazette; and the word "notified" shall be construed accordingly;

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

15 (k) "property" means and includes movable or immovable property, as the case it may be.

CHAPTER-II

Escheats

3. Escheats.— (1) Notwithstanding anything
20 contained in any other law for the time being in force, where any person dies intestate and without leaving legal heirs according to his personal law, the property of such person shall automatically stand transferred to the
25 Government, and the Government may cause possession or management or administration of such property to be taken over by escheat or lapse, or as *bona vacantia* for want of rightful owner, and on such finding of fact by the
30 Competent Authority, the Government shall become the owner of the property without any further act or document.

4. Preliminary enquiry.— Whenever the Competent Authority finds out or receives information from any source that any person has died interstate and without any legal heirs and the property of such deceased person is lying within his jurisdiction, he shall cause an inquiry to be made to ascertain whether such deceased person has died intestate and whether he has left any legal heirs. 5

5. Publication.— If as a result of the inquiry under section 4, the Competent Authority is satisfied that the deceased person has died intestate and without legal heirs and that prima facie it is a case of escheat, he shall publish in the Official Gazette and in two local newspapers having wide circulation in the State and two local newspapers in regional language, a notice calling upon all persons who may have any claim to the property of such deceased person to appear before him and prefer claim within a period of three months from the date of publication of such notice. 10 15 20

6. Investigation and Decision.— (1) If any claim is preferred within the period specified under section 5, the Competent Authority shall investigate the claim by taking on record all evidence produced by the claimant and he shall decide the case within a period of four months from the date of receipt of the claim, after such inquiry as he deems fit to make, and issue notice of the decision to the parties concerned. 25 30

(2) The decision of the Competent Authority under sub-section (1) shall be subject to the provisions of sections 7.

(3) Inquiry to be conducted by the Competent Authority under sub-section (1) shall be of summary nature and for the purpose of such inquiry the Competent Authority may summon
5 and examine on oath any person and may compel production of any document or thing.

(4) It shall be the duty of the Competent Authority to obtain full information from the public records and by personal inquiries in respect of
10 the property, being in all cases careful not to infringe any private rights or to occasion unnecessary trouble or vexation to individuals.

(5) Any income accruing from any such property shall be kept in Government treasury
15 till the final disposal of all claims in respect thereof.

7. Appeal.— (1) Any person aggrieved by the decision of the Competent Authority under section 6 may prefer an appeal to the Appellate Authority within a period of three months from the date of
20 receipt of the notice of the decision under sub-section (1) of section 6 and the decision of the Appellate Authority on such appeal shall be final.

(2) An appeal shall be decided by the Appellate Authority within a period of three months of such
25 appeal being made.

(3) The Appellate Authority shall have the power to grant interim relief on such terms and conditions as may be necessary in circumstances of each case.

(4) No order under sub-section (1) shall be
30 passed without giving all the persons interested an opportunity of being heard.

8. Finality of Order.— Save as otherwise expressly provided in this Act, any order made by Competent Authority or Appellate Authority under this Act shall not be called in question in any original suit, application or execution proceeding and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act. 5

9. Disposal of escheats.— The escheats shall be disposed of in such manner as prescribed: 10

Provided that any immovable property which is escheated to the Government shall not be ordinarily sold until it has been in possession of the Government for five years or more. 15

10. Taking possession by Competent Authority.— (1) Notwithstanding anything contained in sections 5 to 9 (both inclusive), the Competent Authority may, if satisfied after the inquiry under section 4 that any person has died interstate and without any legal heirs and the property of such deceased person is lying within his jurisdiction, he shall take possession of such property, provided that the property is not in the possession of any person or the person in possession does not offer any opposition. 20 25

(2) If there is opposition in taking possession of any property by the Competent Authority under sub-section (1), the person in possession of the property may be left in possession thereof until the claim is finally settled under this Act: 30

(3) The property taken possession of under sub-section (1) shall be managed by the Government in such manner as prescribed.

CHAPTER III

Abandoned Property

5 **11. Abandoned property.**— Any property lying in the State of Goa abandoned by its rightful owner shall belong to the Government.

10 **12. Preliminary enquiry.**— Whenever the Competent Authority finds or receives information from any source that any property lying within his jurisdiction has been abandoned by its rightful owner, he shall cause an inquiry to be made to ascertain whether there is any legal claimant to such property.

15 **13. Publication.**— (1) If, as a result of the inquiry under section 12, the Competent Authority is satisfied that there is a prima facie case of abandonment of the property by the rightful owner thereof, he shall publish in the Gazette and in two local newspapers having wide circulation in the State and two local newspapers in regional language, a notice calling upon all persons who may have any claim to such property to appear before him and to prefer claim within a period of three months from the date of publication of such notice.

25 (2) The provisions of sections 6, 7, 8, 9 and 10 shall mutatis and mutandis apply in case of abandoned property.

CHAPTER-IV

Unclaimed Property

30 **14. Unclaimed properties found in public places.**— Any article found in a public place, the owner of which is not known, shall be taken

charge of by any police officer who shall send them for disposal to the Competent Authority.

15. Publication in the Gazette.— (1) The Competent Authority shall publish a notice in the Gazette inviting claimants to prefer claims to the article sent to him by the police under section 14 within a period of three months from the date of publication of such notice. 5

(2) Nothing contained in sub-section (1) shall prevent the Competent Authority from disposing of any perishable articles, which come into his possession, at any time, either before or after the publication of the notice under sub-section (1). 10

(3) The article referred to in sub-section (2) shall be sold in public auction in such manner as prescribed, and the proceeds of the sale shall be handed over to the rightful claimants after deducting the expenses of the sale or credited to the Government treasury, if no claim is preferred within the period specified in sub-section (1). 15 20

16. Forfeiture of articles.— If no claim is preferred within the period specified in sub-section (1) of section 15, the Competent Authority shall pass an order forfeiting the articles, other than those dealt with under the sub section (2) of the said section, to the Government, and the articles shall thereupon be sold in public auction in such manner as prescribed, and the sale proceeds credited to the Government treasury. 25

17. Uncontested claim.— If a claim is preferred within the time allowed and it is not contested, the article shall be handed over to the Government. 30

5 **18. Contested claim.**— (1) In the case of a contested claim, the Competent Authority shall investigate the claim by taking on record all evidence produced by the claimant and he shall decide the case within a period of four months from the date of receipt of the claim, after such inquiry as he deems fit to make, and issue notice of the decision to the parties concerned.

10 (2) Inquiry to be conducted by the Competent Authority under sub-section (1) shall be of summary nature and for the purpose of such inquiry the Competent Authority may summon and examine on oath any person and may compel production of any document or thing. The decision
15 of the Competent Authority under sub-section (1) shall be final:

20 Provided that nothing contained in this section shall prevent the Competent Authority from disposing of any perishable articles which come into his possession by public auction in the manner prescribed, at any time before the decision on the claim, and if the claimant is successful in proving his claim, the sale proceeds shall be handed over to the claimant.

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CHAPTER-V

Miscellaneous

30 **19. Register of properties.**— The Competent Authority shall cause to be kept and maintained a register in which shall be entered all the particulars of such item of every property to which this Act applies and also, in the case of any such property having been sold under this Act, the amount of sale proceeds thereof.

20. Power of Government to make rules.— (1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,— 5

(a) the superintendence and disposal of escheats and abandoned property;

(b) the manner in which property shall be managed by the Government; 10

(c) the procedure to be observed in public auctions under this Act ;

(d) any other matter which has to be, or may be, prescribed. 15

(3) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session.

21. Protection of action taken under this Act.— (1) No suit, prosecution or other legal proceedings shall lie against any officer/employee of the Government for anything which is in good faith done or intended to be done under this Act or any rules made thereunder. 20

(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. 25 30

5 **22. Act to have overriding effect.**— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument or in any decree or order of any court or other authority having effect by virtue of any law other than this Act.

10 **23. Power to remove difficulties.**— 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 appear to it to be necessary or expedient for removing the difficulty:

15 Provided that no such order shall be made after the expiration of a period of two years from the date of commencement of this Act.

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

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to provide for taking over of charge, management, administration, supervision, custody and disposal of property vested in the State of Goa qua ultima heres under Article 296 of the Constitution of India by escheat or lapse, or as bona vacantia and unclaimed property.

This Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 2 (d) of the Bill seeks to empower the Government to appoint the Competent Authority by Notification in the Official Gazette.

Section 4 of the Bill seeks to empower the Competent Authority to cause an inquiry to be made to ascertain whether such deceased person has died interstate and whether he has left any legal heirs.

Section 6 of the Bill empowers the Competent Authority to investigate the claim by taking on record all evidence produced by the claimant within a period of four months from the date of receipt of the claim.

Section 7 of the Bill lays provision to prefer for an appeal within a period of three months from the date of receipt of the notice of the decision

under sub-section (1) of section 6 if any person aggrieved by the decision of the Competent Authority.

Section 9 lays provision for disposal of escheats in such manner as prescribed with proviso that any immovable property which is escheated to the Government shall not be ordinarily sold until it has been in possession of the Government for five years or more.

Section 10 of the Bill empowers Notwithstanding anything contained in sections 5 to 9 (both inclusive), Competent Authority if satisfied after the inquiry under section 4 that any person has died interstate and without any legal heirs and the property of such deceased person is lying within his jurisdiction, he shall take possession of such property, provided that the property is not in the possession of any person or the person in possession does not offer any opposition. And if there is opposition in taking possession then a person in possession of the property may be left in possession thereof until the claim is finally settled under this Act.

Section 11 of the Bill states if any property lying in the State abandoned by its rightful owner shall belong to Government.

Section 14 of the Bill states if any article found in a public place the owner of which is not known, the police officer shall take charge of same and then to send them to Competent Authority for its disposal.

Section 20 of the Bill seeks to empower the Government to make rules for the purpose of carrying into effect the provisions of this Act.

Section 22 of the Bill states the provision of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument or in any decree or order of any court or other authority having effect by virtue of any law other than this Act

Section 23 of the Bill empower the Government to issue an Order for the purpose of removing any difficulty which may arise in giving effect to the provisions of the Act.

These delegations are of normal character.

Porvorim, Goa
___ July, 2024

(Atanasio Monserrate)
Minister for Revenue

Assembly Hall,
Porvorim, Goa
___ July, 2024

(Namrata Ulman)
Secretary to the Legislative
Assembly