



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Legislative Diploma
No. 2070 (Amendment) Bill, 2024**

(Bill No. 37 of 2024)

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

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

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**The Goa Legislative Diploma No. 2070
(Amendment) Bill 2024**

(Bill No. 37 of 2024)

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BILL

5 further to amend the Legislative Diploma
No. 2070 dated 15-4-1961, in its application to
the State of Goa.

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

10 **1. Short title and commencement.**— (1) This
Act may be called the Goa Legislative Diploma
No. 2070 dated 15-4-1961 (Amendment) Act, 2024.

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

20 **2. Amendment of article 30.**— In article 30 of
the Legislative Diploma No. 2070 dated 15-4-1961
(hereinafter referred to as the "principal Code"),
in clause (4) after sub-clause (gg) the following
sub-clause shall be inserted, namely:—

25 "(ggg) granting no objection certificate for
access to any plot of land or license to use any
land belonging to the Comunidade for any
commercial festival event."

30 **3. Insertion of new article 41-A.**— After article
41 of the principal Code, the following article shall
be inserted, namely:—

"Art. 41-A- In case,—

(a) any component has filed or files a legal proceeding to claim any right in land, of the comunidade or ownership of which is claimed by the comunidade; or

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(b) a Comunidade has filed a legal proceeding against any component for encroachment done, or illegal construction carried out, by him on the land of Comunidade or for right of title to land claimed by the Comunidade and such component has been declared by an order of any legal forum to have encroached upon land of a Comunidade or carried out any illegal construction on Comunidade land,—

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(i) a component referred at (a) above shall not be eligible to contest election to any post in the managing committee of such Comunidade and in case he is holding any post in the managing committee, he shall cease to be member and from the date of filing of such legal proceeding he shall be deemed to have vacated his office.

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(ii) a Component referred at (b) above shall be permanently barred from contesting election to, or holding, any post in the managing committee of any Comunidade. If such component is holding any post in the managing committee, from the date of such order he shall, cease to be a member and, deemed to have vacated his office.

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Any stay order or interim relief in pending appeal or revision or writ petition or in any further legal proceeding, obtained by the component shall not entitle him to contest the election to the managing committee of any Comunidade."

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4. **Insertion of new article 181-A.**— After article 181 of the principal Code, the following article shall be inserted, namely:—

5 “Art. 181-A.— (1) Notwithstanding anything
contained in this code, in the event a
Comunidade is unable to hold election of the
members of managing committee within the
time limit specified in article 47 due to non-
constitutional and non-deliberation of the
10 Comunidade as per the provisions of article 34,
the administrator shall after holding such
inquiry as he deems fit declare such
Comunidade as ‘comunidade in default’ by
issuing an order upon expiry of 60 days from
15 the date of such time limit as specified in article
47.

20 (2) The Order issued under clause (1) shall
be intimated to the concerned Comunidade and
also be published immediately in the Official
Gazette within 15 days of its issuance and
Administrator shall immediately submit a copy
of the Order to the Government. Cost of
publication in the Official Gazette shall be paid
out of funds of concerned Comunidade.

25 (3) If any component of such Comunidade is
aggrieved by such order then he may file an
appeal to the Government within 30 days from
the date of publication of such order in the
Official Gazette.

30 (4) The Government shall, after hearing
appellant and the administrator, decide the
appeal as expeditiously as possible and within
60 days from the date of presentation of such
appeal and the decision of the Government
35 thereon shall be final.

(5) Upon issuance of the Order of the administrator under clause (1), and subject to decision of the Government under clause (4) in appeal, if any, the Government shall appoint an officer of the rank of Mamlatdar/Jt. Mamlatdar to be a custodian for the concerned Comunidade for the respective triennium. 5

(6) The custodian appointed under clause (5) shall exercise all powers and discharge all functions and duties of the managing committee of such Comunidade under the Code. 10

(7) Against any decision of the custodian appointed under clause (5), a component of such Comunidade may prefer an appeal to the respective administrator as if such decision is of a managing committee and all the provisions as applicable to such appeals shall apply to appeals under this clause. 15

(8) Any decision relating to any matter which need to be brought before the Government for prior approval in terms of clause (4) of article 31, shall be applicable to every such decision of the custodian. 20

(9) Notwithstanding anything contained in this Code, the Government shall have power to , either *suo moto* or otherwise, review a decision of the custodian, or the decision of the administrator in appeal against a decision of the custodian under clause (7): 25

Provided that if the Government exercises such *suo moto* power, the administrator shall not consider any issue arising out of such decision of the Custodian which the Government, is seized of or has decided: 30

Provided further that no *suchsuo moto* power shall be exercised after a period of one year from the date of such decision which is sought to be reviewed.”.

5 **5. Insertion of new Chapter IVA.**— After Chapter IV of the principal Code, the following chapter shall be inserted, namely:—

“Chapter IV A

Grant of Licence

10 **Art. 316-A**— A Comunidade may grant licence to use its land or any portion thereof for *commercial festival event* or *non-commercial* event upon an application made by any person in the prescribed form to the administrator and upon
15 payment of non-refundable processing fee to the administrator as prescribed and licence fees as decided by the concerned Comunidade.

Explanation: *Commercial* event shall mean any event for which admission/entry fees are charged
20 or levied. The mere fact that free passes are also provided it shall not make such event a non-commercial event.

Art. 316-B— Any request for grant of licence under article 316-A shall be decided by the
25 managing committee of the Comunidade.

Art. 316-C— After receipt of application under article 316-A the administrator shall carry out preliminary examination of such application and within 48 hours of its receipt, he shall forward
30 such application with its annexures to the concerned Comunidade.

Art. 316-D— Upon receipt of the application, the managing committee shall call for a Special

General Assembly/General Body Meeting to be held within 30 days from the date of receipt of the application from the administrator and place the application before the General Assembly/General Body for appropriate decision.

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Art. 316-E— In the event the General Assembly/General Body decides in favour of the request, the managing committee shall immediately within seventy-two hours, inform the concerned administrator of such decision by enclosing copy of the minutes of the meeting and Resolution of the General Assembly/General Body by clearly specifying therein the licence fees to be payable to the comunidade.

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Art. 316-F— Upon receipt of the intimation under article 316-E, the administrator shall peruse the resolution and make a report and forward the same to the Government within four days from the receipt of such intimation.

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Art 316-G— Upon receipt of the report of the administrator under article 316-F, the Government shall consider the resolution of the General Assembly/General Body of the Comunidade and the report of the administrator and by taking into account the interest of the Comunidade and such other matters as deemed fit, may approve the request for grant of licence to use land belonging to comunidade or any portion thereof for *commercial* event.

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Art. 316-H— The grant, if any, made under this Chapter, shall be on payment of licence fees not below the rate as prescribed by the Government.

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Art.316-I— No communication granting the license shall be issued by the Comunidade, unless

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the applicant produces a copy of the receipt of the payment of the license fee in favour of the Comunidade and also of the administrative fee @20% in favour of the concerned Administrator of Comunidades".

6. **Amendment of article 324.**— In article 324 of the principal Code, for the words "construction of houses", the expression "construction of houses and when only applied for on auction, for construction of commercial or commercial-cum-residential buildings" shall be substituted.

5 7. **Amendment of article 326.**— In article 326 of the principal Code.—

(i) for the words "for construction of house", wherever they occur, the expression "for construction of house or commercial or commercial-cum-residential buildings" shall be substituted;

(ii) in § 2, the following proviso shall be inserted, namely:—

15 "Provided that in case of an application for grant on auction, such bigger area shall not exceed ten thousand square meters."

8. **Amendment of article 334-C.**— In article 334-C of the principal code,—

20 1. the existing provision shall be numbered as clause (1);

2. after clause (1) so numbered, the following clause shall be inserted, namely:—

25 "(2) The procedure to be followed for grant of land under clause (1) shall be such as prescribed by the Government.

(3) The land granted on long lease under clause (1) shall be deemed to be land granted as *emphyteusis* under this Code."

9. Insertion of new article 334-D.— After article 334-C of the principal Code, the following article shall be inserted, namely:—

"334-D-If a grant has been made of any Comunidade land to any religious institution, whether a *Mazania* of a temple or a temple or *Fabrica* of a Church or a Church, or any religious trust, without payment of any *foro* and such land is held legally by such grantee for more than fifty years, then such land shall stand vested in such grantee absolutely and without any encumbrance and the Comunidade shall be divested of its rights in or upon the said land."

10. Insertion of a new article 337-A.— After article 337 of the principal Code, the following article shall be inserted, namely:—

Art.337-A- (1) Notwithstanding anything contained in this Code, upon taking *provisional possession* in terms of article 335, if the allottee who has procured the plot on auction, offers to redeem the entire *foro* (*ground rent*), by paying twenty annuities in one instalment, but not before the payment of the first annual *foro*, then upon application of such allottee to the administrator and upon tendering the entire twenty annuities in one instalment in favour of the Comunidade, the administrator shall forward the application with the amount to the concerned Comunidade.

(2) Upon receipt of the application with the amount, the Comunidade shall immediately

5 credit the amount into its account and within a period of fifteen days from date of receipt of the application issue appropriate receipt to the allottee and hand over *definitive possession* of the plot to such allottee in accordance with the provisions of this Code.

10 (3) Upon the handing of the *definitive possession* and the redemption of the *foro* as aforesaid, the allottee shall be entitled to all rights, benefits and privileges as available to such allottee who has been handed over *definitive possession* after redeeming the ground rent."

Statement of Objects and Reasons

1. The Comunidades being age old Institutions are often under attack from some of its own members who get themselves elected as members of the Managing Committee and then grab lands of the Comunidade. The Comunidades need to be protected from such land grabbers.

2. There are also certain matters required to be tackled in the grant of license of land for commercial events, so that the General Assembly/ General Body takes the decision and the Government, exercising *tutelage* may approve in the best interests of the Comunidade. The base minimum rate needs to be prescribed, so that the Comunidade will be assured of a guaranteed revenue.

3. The amendment proposed in this Bill to Section 50 of the Code, is to safeguard the interests of the Comunidade. It has come to the notice of the Government that there are several components who get themselves elected as members of the Managing Committee and being in that position, manipulate legal proceedings or even initiate legal proceedings with an intention of grabbing land of the Comunidade. There is a need to put an end to such kind of malpractices which deprives and robs the Comunidades of its lands by such mischievous elements. It is with this intent that it is proposed to debar such persons having litigations in respect to claim for land by the component against such Comunidade or by the Comunidade against such component, from contesting elections when order is passed against such component. Also, it is proposed to ensure that such components who have grabbed lands of such Comunidades, are not

made or elected members of the Managing Committee of any Comunidade. Hence it is proposed to debar such members/components from contesting elections of any Comunidade after the decision passed by legal forum. Also, it is proposed that even despite the fact that a stay may be obtained by such component during the pendency of an appeal or Revision Petition or Writ Petition or any further appeal, the effect to continue to disqualify such component from contesting.

4. Some Comunidades are 'in default' since, despite having list of members/Components/Jonoeiros but no members/Components are available to attend the General Body to constitute the quorum to elect its Managing Committee and to manage the affairs of the Comunidade. By virtue of Sole § of Article 52, the previously elected or appointed committee is entitled to remain in office until they are legally substituted. This may not be healthy to permit the same Managing Committee to continue. Hence a new article being introduced to appoint a Custodian, who will replace the Managing committee for the Triennium, but shall be subject to same rigors as a Managing Committee with checks and balances as to the functioning of such Custodian.

5. Chapter IVA containing Article 316-A to 316-I is introduced to enable Comunidades to be transparent of the decisions by which lands are granted on license for commercial events which hitherto were being doled out by Managing Committees, without the knowledge of its components, with allegations that decisions were taken which were not in the best interests of the Comunidade. So also, whilst recognising that a

Comunidade is a private owner of its properties, yet, it is desirable to prescribe fees which may be levied, which shall be the base amount, leaving a Comunidade to charge any higher fee, which in either case, should not be detrimental to the interests of its components, in an absolute transparent manner.

6. Article 324 of the Code provides for grant of land on *aforamento or emphyteusis* for cultivation of vegetables or for rice or for construction of houses. Since Article 324 of the Code is an enabling provision, for grant of land for the above purposes, considering that there is no provision to permit grant of land for commercial or commercial-cum-residential buildings only if applied for on auction, amendment is made to enable such grant.

7. Amendment to Article 326 of the Code, is consequential amendment. In addition, the *proviso* is added, to provide a cap on the area of the allotment which may be made, as the existing provision, gives unfettered right to grant a plot of any size.

8. Article 334-C is proposed to be amended to provide legal status and strength to the grant of a permanent lease by declaring it an *emphyteusis* as available under the Legislative Diploma No. 2070 dated 15-4-1961.

9. Article 334-D is proposed to be introduced to give a finality to the grants of land(s) legally conceded by to religious entities which have been granted *gratis*, legally held for more than fifty years, whilst still holding ownership of the land due to the impossibility of redemption by virtue of the fact that no *foro is* made payable.

10. The scheme as existing in Chapter VI of the Code, provides for payment of *foro annually* and for the provision of redemption of the *foro*, after obtaining *definitive possession*. However, in case of an auction of the plot of land, if such allottee is ready and willing to pay the entire *foro* (ground rent) and the twenty time annuities in one instalment, there should be no bar to such action and the *definitive possession* should be handed over to the allottee for the *Comunidade* gets the full amount due, instead of being spread over years. Also, the successful bidder in the auction should not be held back in enjoying the full rights in the allotted plot, if the allottee if given *definitive possession* and redeems the *foro* (ground rent).

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation.

Clause 1(2) of the Bill empowers the Government to issue notification for appointing date for bringing into the Act. This delegation is of normal character.

Porvorim, Goa. (Atanasio Monserrate)
06 August, 2024 Minister for Revenue

Assembly Hall (Namrata Ulman)
Porvorim, Goa Secretary to the
___ August 2024 Legislative Assembly

ANNEXURE

Extracts of the Goa Legislative Diploma No. 2070

Dated 15-4-1961

Article 30

The comunidade shall:

(1) Elect every three years the ordinary attorneys and its substitute, in the form provided in this Code;

(2) Appoint a special attorneys, when necessary, or have their services dispensed with according to circumstances and the interests of the comunidade,

(3) Opine on statement of income and expenditure, the estimates for the ordinary and extraordinary auctions and their conditions, and on the finalisation of the accounts and the extraordinary budgets;

(4) To deliberate on:

a. The works and the extraordinary expenses to be incurred;

b. The loans to be borrowed;

c. Creation or abolition of medical posts, extension of the period of its duration and maintenance of the same, as well as the creation or abolition of any services or charges of permanent nature;

d. Introduction of the non-saline and saline water in the khasanas casanas 13,

e. Acquisition of lands;

f. Emphyteusis, sale or exchange of land;

g. Institution, admissions, withdrawal and compromise of civil suit;

gg. Admissions, withdrawal or compromise of any civil suit or other legal proceedings;

h. Extension of time granted for utilization of land granted on emphyteusis;

i. About the grant of rebate (quita) to the leaseholders;

j. And in general, about all the extraordinary acts not provided for in the statement of income and expenditure or in the provisions of this code, as well as relating to any matters about which the opinion is called for.

(5) To appoint and dismiss peons or criers, determining their rights and obligations

Article 41:

The board shall be elected by the Comunidad from amongst the able components, including share holders, preferably those residing in the village.

When the Comunidad is not constituted for election of any of the members of the board, the same shall be appointed by the Government from amongst the able