Agricultural Tenancy Act, 1964 and Rules, 1965

The Goa, Daman & Diu Agricultural Tenancy Act, 1964 & Rules 1965

a) **The Goa, Daman & Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964) [16-12-1964]** published in the Official Gazette, Series-I No. 52 dated 24-12-1964 and came into force w.e.f. 8-2-1965.
b) **The Agricultural Tenancy (Amendment) Act, 1965 (Act 11 of 1965)** published in the Official Gazette, Series I No. 12 dated 11-6-1965 and came into force with effect of the day principal Act came into force.
c) **The Agricultural Tenancy (Amendment) Act, 1966 (Act 10 of 1966)** (published in the Official Gazette, Series I No. 32 dated 10th November, 1966) and came into force at once.
d) **The Agricultural Tenancy (Amendment) Act, 1968 (Act 13 of 1968)** (published in the Official Gazette, Series I No. 42 dated 16-1-1969 and came into force at once).
e) **The Agricultural Tenancy (Amendment) Act, 1975 (Act 18 of 1975)** (published in the Official Gazette, Series I No. 32 dated 6-11-1975 and came into force at once).
f) **The Agricultural Tenancy (Amendment) Act, 1976 (Act 17 of 1976)** (published in the Official Gazette, Series I No. 29 dated 14-10-1976 and came into force at once).
g) **The Agricultural Tenancy (Amendment) Act, 1982 (Act 2 of 1982)** [published in the Official Gazette, Series I No. 5 dated 29-4-1982 and came into force at once].
h) **The Goa Administration of Evacuee Property (Amendment) Act, 1989 (Act No. 19 of 1989)** published in the Official Gazette, Series I No. 37 dated 14th December 1989 and came into force w.e.f. at once.
i) **The Agricultural Tenancy (Amendment) Act, 1991 (Act 4 of 1991)** (published in the Official Gazette, Series I No. 3 and came into force w.e.f. 21-11-1990).
j) **The Agricultural Tenancy (Amendment) Act, 1993 (Act 23 of 1993)** [published in the Official Gazette, Series I No. 30 (Extraordinary) dated 21-10-1993 and came into force w.e.f. 16-4-1993].
k) **The Agricultural Tenancy (Amendment) Act, 2001 (Act 29 of 2001)** (published in the Official Gazette, Series I No. 5 dated 3-5-2001).

The Goa, Daman and Diu Agricultural Tenancy Rules, 1965

Arrangement of Sections

1	**Short title, extent and commencement**
2	**Definitions**
3	**Extent of application**
4	**Persons deemed to be tenants**
5	**Right of persons holding on the date of liberation**
6	**Explanations**
7	**Question of tenancy**
7-A	**Questions as to nature of land**
8	**Bar to eviction and restoration of possession**
8-A	**Relief in certain cases of threatened wrongful dispossession**

9	Modes of termination of tenancy
10	Surrender by Tenant
11	Termination of tenancy by landlord
12	Special provisions regarding termina-tion for non-payment of rent
13	Tenancy during usufructory mortgage
13-A	Tenant's right to first purchase
14	Rights of tenants are heritable
15	Sub-division, sub-letting and assign-ment prohibited
15-A	Lands mortgaged to Government and co-operative societies
16	Bar to attachment, seizure or sale by process of Court
17	Repealed
18	Procedure for taking possession
18-A	Tenants deemed to have purchased lands on tillers' day
18-B	Right of tenant to purchase land where he is minor, etc.
18-C	Mamlatdar to issue notices and determine price of land to be paid by tenants
18-D	Purchase price payable to the landlords
18-E	Mode of payment of purchase price by tenant
18-F	Amount of purchase price to be applied towards satisfaction of debts
18-G	Recovery of purchase price as arrears of land revenue
18-H	Purchase to be ineffective on tenant purchaser's failure to pay purchase price
18-I	Right of tenant whose tenancy has been created after tiller's day
18-J	Power of Mamlatdar to resume and dispose of land not to be purchased by the tenant
18-K	Restriction on transfers of land purchased under this Chapter
18-L	Power to make rules
19	Repealed
20	Repealed
21	Repealed
22	Repealed
23	Maximum rent
24	Maximum Rent after Survey and Settlement
25	Compensation and penalty for excess recovery of rent
26	Liability for cost of cultivation, tax, works etc.
27	Bar to recovery of any other sum from tenant
28	Benefit of any suspension or remission of rent
29	General
30	Presumption as to rent and duty to give receipt
31	Tenant's right to trees on the land
32	Compensation for improvements made by tenant
33	Right to erect farm-house
34	Maintenance of Boundary marks
35	Repair to protective bunds
36	Power to assume management
37	Prescription of standards of cultiva-tion and management
38	Tenants' right to operate sluice gates
39	Construction of water course through land belonging to other persons

40	Failure to pay rent and to keep water course in good repair
41	Removal or discontinuance of water course
42	Neighbouring holder to use surplus water on payment of rate
42-A	Procedure for regulating the discharge of joint responsibility of tenants
43	Tribunal
44	Other functions of the Tribunal
45	Powers of Tribunal
46	Commencement of Proceedings
46-A	Powers of the Mamlatdar to inquire into contraventions
47	Power to transfer proceedings
48	Execution of order for payment of money or restoring possession
49	Appeals
50	Revision
51	Extent of powers in appeal or revision
52	Limitation and Court Fees
53	Procedure
54	Power to make rules for Survey, etc.

55	Lands held by Comunidades
56	Exemption
57	Delegation of powers
58	Bar to jurisdiction of Courts
58-A	Bar on appearance by Pleaders
59	Power to give directions
60	Penalty
60-A	Offences under the Act to be cognizable and compoundable
60-B	Offences by Companies
61	Rules
62	Power to remove difficulties

GOVERNMENT OF GOA, DAMAN AND DIU

THE GOA, DAMAN AND DIU AGRICULTURAL TENANCY ACT, 1964

[Act No. 7 of 1964]

[16th December, 1964]

An Act to provide for the regulation of the terms of tenancy with respect to agricultural lands in the Union Territory of Goa, Daman and Diu and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Fifteenth Year of the Republic of India as follows:

CHAPTER I

Preliminary

1.Short title, extent and commencement.— (1) This Act may be called the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

(2) It extends in the first instance to the Goa area of the Union Territory of Goa, Daman and Diu, but the Government may, by notification, extend it to the other areas with such modifications as may be necessary.

(3) It shall, unless otherwise specifically provided in this Act, come into force on such [1][date as may be fixed by notification by the Government.]

2. Definitions.— In this Act, unless there is anything repugnant to the subject or context.

[2][(1) "Administrative Tribunal" means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965.] Act No. 6 of 1965.

[1]["(1A) "agriculture" includes horticulture and raising of food crops grass or garden produce, but does not include allied pursuits;";]

1 8th February, 1965, vide Notification No. TNC/NTF-1/65 dated 3rd February, 1965 published in the Official Gazette, Series I No. 5 dated 5-2-1965.

2 Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

(2) "agriculturist" means a person who cultivates land personally;

(3) "allied pursuits" means rearing or maintaining plough bulls, breeding of livestock, dairy farming, poultry farming, grazing on grounds reserved for the purpose and such other pursuits connected with agriculture as may be prescribed;

(4) "Collector", means any person appointed by the Government to perform the functions of the Collector under this Act;

(5) "Co-operative Society" means a society registered under the provisions of any law relating to co-operative societies for the time being in force in the particular area;

(6) "to cultivate" with its grammatical variations, and cognate expressions, means to till or husband land for the purpose of raising or improving agricultural produce, whether by manual labour or machinery, or to carry on any agricultural operation thereon; and the expression "uncultivated" shall be construed correspondingly;

(7) "to cultivate 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) under the personal supervision of oneself or any member of one's family, by hired labour or by servants on wages payable in cash or kind but not in crop share;

Explanation 1.— For the purpose of clause (iii) personal supervision shall not be deemed to exist unless the person or member resides in the village in which land is situated or in any nearby village within 7 kilometers thereof, during the major part of an agricultural season.

Explanation 2.— A widow or a minor or a person who is subject to physical or mental disability or a serving member of the Defence Forces shall, notwithstanding anything contained in ***Explanation*** 1, be deemed to cultivate any land personally if such land is cultivated by servants or by hired labour or through tenants.

Explanation 3.— Notwithstanding anything as aforesaid, in the case of a joint family, land shall be deemed to be cultivated personally, if it is so cultivated by any member of such family otherwise than by virtue of *Explanation 2.*

Explanation 4.— In the case of a company, association or other body of individuals, whether incorporated or not, or a religious, charitable or other institution capable of holding property, any land shall be deemed to be cultivated personally, if such land is cultivated by hired labour or by servants under the personal supervision of an employee or agent of such company, association, body or institution;

[4]['(7A) "garden" means land used primarily for growing coconut trees, arecanut trees, cashewnut trees or mango trees;

(7B) "garden produce" means any produce from a garden;';]

1 Re-numbered by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968) thereafter existing clause substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1976 (Act No. 17 of 1976).

4 Clauses 7A & 7B inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1976 (Act No. 17 of 1976).

(8) "Government" means the Government of Goa, Daman and Diu.

(9) "improvement", means, with reference to any land, any work which adds to the value of the land, and which is suitable thereto as also consistent with the purpose for which it is held, and includes—

(a) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

(b) the construction of works for the drainage of land or for the protection of land from floods or from erosion of other damage from water;

(c) the reclaiming, clearing, enclosing, levelling or terracing of land;

(d) the erection of buildings on the land reasonably required for the convenient or profitable use of such land for agricultural purpose; and

(e) the renewal or reconstruction of any of the foregoing works or alterations therein or additions thereto as are not of the nature of ordinary repairs; but does not include such clearance, embankment, levelling, enclosures, temporary wells, water channels and other works as are commonly made by the tenants in the ordinary course of agriculture;

(10) "joint family" means an undivided Hindu family for a group or unit of persons the members of which are, by custom, joint in estate or residence;

(11) [5]['(i) "land" means land which is used for agriculture or which is capable of being so used, but is left fallow, and includes farm buildings appurtenant to such land:

Provided that nothing in this clause shall apply to land which is in the possession of a Mundkar, otherwise than as a tenant.

Explanation.- For the purposes of this clause, the expression "Mundkar" shall have the meaning assigned to it in clause (p) of section 2 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (1 of 1976);]

(ii) "Khajan land" means low land situated near creeks or riversides;

(iii) "Ker land" means land having adequate irrigation or drainage facilities;

(iv) "Morod land" means any other land:

Provided that in case of doubt as to the category of any particular land, the matter shall be referred to the Tribunal whose decision shall be final;

(12) "landlord" means a person from whom a tenant holds land on lease;

(13) "lease" means a transfer of a right to enjoy land, made orally or in writing, for a specified, or unspecified period, and in consideration of rent;

(14) "legal representative" means a person who represents the state of a deceased person;

[6]["(15) "Mamlatdar" means any person appointed by the Government to perform the duties of a Mamlatdar under this Act;"]

[5] Substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1976 (Act No. `17 of 1976).

(18) "person" includes a joint family, comunidade, temple, church, mosque or any other religious or charitable institution;

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

[7][(19A) "purchase price" means the price determined by the Mamlatdar under section 18C;]

(20) "rent" means any consideration in money or kind or both paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

(21) "serving member of the Defence Forces" means a person in the service of the Defence Forces of the Union:

Provided that if a question arises whether any person is in such service, such question shall be decided by the Government and its decision shall be final;

(22) "tenancy" means the relationship of landlord and tenant;

(23) "tenant" means a person who on or after the date of commencement of this Act holds land on lease and cultivates it personally and includes a person who is [8][or was] deemed to be a tenant under this Act;

[9]['(23A) "tillers day" means the date of introduction of the Goa, Daman and Diu Agricultural Tenancy (Fifth Amendment) Bill, 1976, in the Legislative Assembly;']

(24) "Tribunal" means the Tribunal constituted under this Act; and

(25) "year" means the year ending on the 31st day of March or on such other date as the Government may, by notification, appoint for any area.

3.Extent of application.— (1) Where it is made to appear to the Government that any land, which was used immediately before the 1st of July, 1962 for an agricultural purpose, was subsequently converted to other uses, such as for raising crops of coconut, arecanut, cashew or mangoes or for any other non agricultural purpose, either for defeating and after giving to the landlord and the tenant a reasonable opportunity of being heard and after considering the objections, if any, direct that all or any of the provisions of this Act and the rules made thereunder shall apply to the land, and thereupon the land shall be deemed to be agricultural land in relation to the provisions made applicable thereto, notwithstanding anything contained in clause (1) of section 2.

[6] Substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 2001 (Act No. 29 of 2001). [7] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1976 (Act No. 17 of 1976). [8] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1991 (Act No. 4 of 1991). [9] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1976 (Act No. 17 of 1976).

[10]["(1-A) When it is made to appear to Government that any land used for agriculture on or after the 1st July, 1962 is sought to be converted or used for any non-agricultural purpose, it may, if it considers such action necessary in the interest of agricultural production, the furtherance of the objects of this Act, or the public interest, after giving to the landlord and the tenant a reasonable opportunity of showing cause, by order prohibit such use or conversion, or permit such use or conversion, on such terms and condition, as it may specify:

Provided, however, that when it appears to Government that the object in view would otherwise be defeated by delay it may issue an order prohibiting such conversion or use till the completion of the enquiry (except on such terms and conditions as may be specified), or such other order as the circumstances of the case may require, and may from time to time modify or vary such order.

(1-B) Notwithstanding anything contained in sub-sections (1) and (1-A), Government may, when it is satisfied for reasons to be recorded that it is in the interest of agricultural production, prohibit in any local area, either absolutely or except upon such terms and conditions as may be specified, the conversion of any land used for agriculture, for any non-agricultural purpose including the raisings of crops of coconut, arecanut, cashew or mangoes. Every such order shall be published in the Official Gazette and in such other manner as may be prescribed:

Provided, however, that except when the object of the order would be defeated by delay, Government shall, in the prescribed manner give the persons affected an opportunity of showing cause against the proposed order.

(1-C) Any person who contravenes an order passed under sub-section (1-A) or sub-section (1-B) shall be guilty of an offence under section 188 of the Indian Penal Code.

(1-D) Government may take such action as is necessary for enforcing an order passed under sub-section (1-A) or (1-B)."]

(2) [11][The provisions of sub-section (1); (1-A) and (1-B)] shall not apply to land converted to non-agricultural use for the purpose of any industry [12][house construction] or other schemes of development approved by the Government.

(3) Save as otherwise provided in this Act expressly or by necessary implication, the provisions of this Act shall apply to all tenancies of agricultural land notwithstanding any other

law, custom, usage, decree or order of a court or tribunal, or any agreement or contract to the contrary.

(4) The provisions of any other law for the time being in force relating to leases of immovable property shall in so far as they are not inconsistent with the provisions of this Act, apply to the tenancies and leases of land to which this Act applies.

10 Sub-sections (1-A) to (1-D) inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966.

11 Substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966 (10 of 1966).

12 The words "House construction" inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966 (Act 10 of 1966).

CHAPTER II

Security of Tenure

4.Persons deemed to be tenants.— A person lawfully cultivating any land belonging to another person (hereinafter in this section referred to as the owner) on or after the 1st of July, 1962 but before the commencement of this Act, shall be deemed to be a tenant if such land is not cultivated personally by the owner and if such person is not —

(i) a member of the owner's family, or

(ii) a servant on wages payable in cash or kind but not in crop share or a hired labourer cultivating the land under the personal supervision of the owner or of any members of the owner's family, or

(iii) a mortgagee in possession:

Provided that if upon an application made by the landlord within one year from the commencement of this Act to the Mamlatdar within whose jurisdiction the land is situated:—

(a) the Mamlatdar declares that such person is not a tenant and his decision is not reversed on appeal or revision, or

(b) the Mamlatdar refuses to make such declaration but his decision is reversed on appeal or revision,

such person shall not be deemed to be a tenant under this section:

Provided further that a sub-tenant cultivating any land belonging to, another person 13["on or after the 1st of July, 1962, but before the commencement of this Act"] shall, notwithstanding the fact that the creation of the sub-tenancy might have been prohibited by any law for the time being in force, be deemed to be lawfully cultivating the land as a tenant for the purposes of this section; and in such cases, the intermediary tenant or tenants prior to the creation of the sub-tenancy shall not be deemed to be tenant or tenants for the purposes of this Act:

14["Provided further that in the case of a person claiming to be a tenant on the ground that he was a sub-tenant cultivating any land after the 1st July, 1962 but before the commencement of this Act, the application by the landlord for a declaration that such person is not a tenant may be made within three months of the commencement of the Goa, Daman and Diu Agricultural Tenancy (Amendment) Act, 1966"].

5.Right of persons holding on the date of liberation.— A person who lawfully cultivated as a tenant or sub-tenant any land belonging to another person (hereinafter in this section referred to as the owner) on or after the 19th of December, 1961 but before the 1st July, 1962 shall be deemed to be a tenant for all the purposes of this Act;

(i) if such person cultivated it personally for any period immediately preceding the latter date,

(ii) if such land was not cultivated personally by the owner,

13Substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966.

14Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966.

(iii) if such person was not one of the persons mentioned in clauses (i) to (iii) of section 4, and

(iv) if such person is restored to possession of such land in pursuance of sub-section (3) of section 8.

6.Explanations.— For the purposes of sections 4 and 5—

(i) where the person who lawfully cultivated the land on the relevant date is, on or before the date of coming into force of this Act, dead, his legal representative, or where there are more than one legal representative all of them jointly shall be entitled to the same rights and subject to the same obligations as the deceased person;

(ii) where any land is held by two or more persons jointly as tenants, all such persons shall, if any one of them cultivated and continues to cultivate such land personally, be deemed to be tenants in respect of such land;

(iii) when any land is cultivated by a widow or minor or a person who is subject to physical or mental disability or a serving member of the Defence Forces, through a tenant then notwithstanding anything contained in [15][Explanation (2) to clause (7) of section 2], such tenant shall be deemed to be a tenant.

7.Question of tenancy.— If any question arises whether any person is a [16][or was] tenant or should be deemed to be a tenant under this Act the Mamlatdar shall, after holding an inquiry, decide such question. [17]["In any such enquiry, the Mamlatdar shall presume that any statement as to the existence of a right of tenancy in a record of rights prepared in the prescribed manner under and in accordance with the provisions of this Act, is true"].

[18]["**7A.Question as to nature of land.—** If any question arises as to whether any land is or is not used for agricultural purposes the Mamlatdar shall, after holding an inquiry, decide such question."].

8.Bar to eviction and restoration of possession.— (1) No tenancy of any land shall be terminated and no person holding land as a tenant shall be liable to be evicted there from save as provided under this Act.

(2) Where any such person as is referred to in section 4 has been evicted from the land on or after the 1st July, 1962 such person shall be entitled to recover immediate possession of the land in the manner prescribed by or under this Act unless the landlord proves that the termination of tenancy was in the manner authorised under section 9.

(3) Where any such person as is referred to in section 5 was evicted from such land on or after the 19th of December, 1961 but before the 1st of July, 1962, such person shall, in the manner prescribed by or under this Act, be entitled to recover possession of the land if—

(i) he applies to the Mamlatdar within six months from the day of coming into force of this Act stating that he agrees to become a tenant on the same terms and conditions as existed before and as modified by the provisions of this Act;

[15]Substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966.

[16]Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1991 (Act, No. 4 of 1991). [17]Added by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966.

[18] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1975 (Act No. 18 of 1975).

(ii) he proves that the eviction was malafied and was intended to defeat the purposes of this Act; and

(iii) he pays to the landlord the arrears of rent, if any, due from him under the terms of his tenancy or gives sufficient secure therefore:

Provided that where the land from which such person was evicted had been leased out by the landlord to another person for any perk after the said date, the evicted person shall not be

entitled to recover possession before the first day of the year immediately following the year in which this Act comes into force.

(4) Notwithstanding anything contained in the foregoing provision where the Government is satisfied that a tenant has for reasons beyond his control omitted to take step for restoration of possession within the time prescribed therefore, it may on its own motion, direct the Mamlatdar to entertain and dispose of an application.

(5) Notwithstanding anything contained in the other provisions this Act, where a person who was holding land on lease from landlord has, in cases coming under section 4, on or after the 1st July, 1962, and in cases coming under section 5, on or after the 19th December, 1961, surrendered his right of tenancy to the landlord on or before the 28th July, 1964, he shall not be entitled to restoration of possession under this Act, if such surrender was voluntary and was made before the Administrator of the Concelho, in accordance with the rules and orders, if any, in that behalf or is found to be genuine by the Mamlatdar after holding an enquiry.

[19][**"8A.Relief in certain cases of threatened wrongful dispossession.—** (1) Any tenant in possession of any land or dwelling house who apprehends that he may be dispossessed contrary to the provisions of this Act, may apply in the prescribed manner to the Mamlatdar for an order safe guarding his right to possession.

(2) On such application, the Mamlatdar if he is satisfied on holding such enquiry as may be prescribed, that the applicant is entitled to continue in possession, shall, by order, direct the landlord or any person claiming through him to refrain from disturbing it otherwise than in accordance with law.

(3) In any proceeding under this section, if it is proved to the satisfaction of the Mamlatdar by affidavit or otherwise that the opponent threatens to dispossess the applicant, he may by order grant a temporary injunction restraining such dispossession or otherwise causing injury until the final disposal of the proceeding or until further orders. In all such cases the Mamlatdar shall, except where it appears that the object of granting the injunction would be defeated by delay, issue notice of the application to the opponent before granting an injunction.

(4) Any person dispossessing a tenant in contravention of an order made under sub-section (2) or (3), in addition to any other penalty to which he is subject, on application made by the tenant within thirty days of such dispossession, and notwithstanding anything to the contrary in any other provision of this Act, be summarily evicted by the Mamlatdar who shall thereupon restore possession to the tenant"].

[19] New section inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966.

9.Modes of termination of tenancy.— The tenancy of any land may be terminated.

(a) by the tenant by surrender of his right to the landlord in the manner provided in section 10; or

(b) by the landlord on the grounds specified in section 11; or

(c) under any other specific provision of this Act.

10.Surrender by tenant.— (1) Any tenant may surrender his right of tenancy in respect of any land to the landlord and thereupon the tenancy in respect of that land shall stand terminated if the following conditions are satisfied:

(i) the surrender is made at least one month before the commencement of the year;

(ii) it is made by the tenant in writing and is admitted by him before the Mamlatdar;

(iii) it is made voluntarily and in good faith to the satisfaction of the Mamlatdar;

(iv) it is approved by the Mamlatdar; and

(v) the conditions in clauses (a) to (d) of sub-section (4) of section 20 are satisfied.

(2) Where the land is cultivated jointly by joint tenants or members of joint family, the surrender, unless it is made by all of them shall be ineffective in respect of such joint tenants or members, as the case may be, as have not joined in the application for surrender.

(3) Where the Mamlatdar is of opinion that the conditions mentioned in sub-section (1) are not satisfied, he may, after giving a reasonable opportunity to the landlord to show cause against taking action under this sub-section, and holding such enquiry as he may;

(i) refuse to approve the surrender, or

(ii) submit the case to the Government for orders under the next sub-section.

(4) Where a case is submitted under the preceding sub-section, the Government may, by order, transfer the tenancy right to any other person, including a Comunidade, a Co-operative Society or a Panchayat, who, in its opinion, is a fit and proper person to be a tenant, and thereupon such other person shall be deemed to be a tenant for the purposes of this Act.

11.Termination of tenancy by landlord.— (1) The landlord may terminate a tenancy on the ground that the tenant:

(a) has failed to pay the rent for any period on or before the date or dates fixed by or under this Act, or

(b) has done any act which is destructive or permanently injurious to the land, or

(c) has sub-divided, sub-let, or assigned any interest in the land, otherwise than as permitted under sections 14 and 15, or

(d) has failed to cultivate the land personally, or

(e) has used such land for a purpose other than agriculture.

(2) No tenancy of any land held by a tenant shall be terminated on any of the grounds mentioned in this section unless the landlord gives at least ninety days notice in writing to the tenant intimating his decision to terminate the tenancy and the ground for such

termination and unless within that period the tenant has failed to remedy the breach for which the tenancy is liable to be terminated:

Provided that where the said breach occurs for the second time the tenant shall be liable to pay to the landlord by way of penalty a sum equal to 50 per cent of the rent payable for that season for the land in relation to which the breach has occurred:

Provided further, that where a breach of the same kind occurs on more than two consecutive occasions no such notice as is referred to above shall be necessary and the landlord shall be entitled to straight away make an application to the Mamlatdar under sub-section (4).

(3) The tenancy of a tenant who is a minor, or is subject to physical or mental disability, or is a serving Member of the Defence Forces shall not be terminated on the ground only that the land comprised in the tenancy has been sub-let by or on behalf of such tenant.

(4) Where the landlord after the expiry of the period of notice, if any, mentioned in sub-section (2) decides to terminate the tenancy under this section, he shall within such time as may be prescribed apply to the Mamlatdar for permission to do so and the Mamlatdar may accord permission or, if he considers it necessary for reasons to be recorded in writing and after considering the objections, if any, of the landlord, submit the case to the Government for orders sub-section (4) of section 10.

12.Special provisions regarding termination for non-payment of rent.— (1) Where the tenancy of any land held by a tenant is terminated for non-payment of rent and the landlord files any proceeding to eject the tenant, the Mamlatdar shall call upon the tenant to tender to the landlord the rent in arrears together with the cost of the proceedings within thirty days from the date of the order and if the tenant complies with such order, the Mamlatdar shall, in lieu of

making an order of ejectment, pass an order directing that the tenancy has not been terminated, and thereupon the tenant shall hold the land as if the tenancy had not been terminated:

Provided that nothing in this section shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed for any three years to pay rent within the period fixed by or under this Act and the landlord has complied with the requirements, if any, of any notice to the tenant by or under this Act.

(2) The landlord may apply to the Mamlatdar in the prescribed form for recovery of arrears of rent for any period not exceeding three years. The Mamlatdar may, after such enquiry as he considers necessary, pass such order as he deems fit. The Mamlatdar in passing an order shall allow the tenant to set off the sum, if any, paid by him to the landlord within the period of three years immediately preceding the date of application made under sub-section (1) in excess of the rent due from him:

Provided that if the Mamlatdar is satisfied that in consequence of a total or partial failure of crops or similar calamity the tenant has been unable to pay the rent due, the Mamlatdar may, for reasons to be recorded in writing,

(i) direct, after hearing the landlord, that no rent shall be payable for the period of such failure of crops by the tenant, or

(ii) direct, after hearing the tenant and the landlord, that the arrears of rent, or such part thereof as may be considered reasonable by the Mamlatdar, together with the cost of proceedings, if awarded, shall be paid within one year from the date of the order and that if before expiry of the said period the tenant fails to pay the said arrears of rent and costs the tenancy shall be deemed to be terminated and the tenant shall be liable to be evicted.

(3) When a tenant tenders an amount on account of rent to the landlord for any period and if the landlord refuses to receive it or grant a receipt for it, the tenant may present to the Mamlatdar an application in writing for permission to deposit in his office the full amount of rent. The Mamlatdar may receive the amount in deposit and give a receipt for it. Notice of the amount so deposited shall be given to the landlord and if the Mamlatdar is satisfied that the payment by the tenant was bona fide it shall be paid to the landlord, and thereupon it shall constitute a discharge of the tenant's liability in respect of the rent for such period and no claim or application by a landlord for rent shall be maintainable in respect of the period for which the rent has been so deposited by the tenant.

13.Tenancy during usufructory mortgage.— If any land is mortgaged by a landlord by way of usufructory mortgage to a tenant cultivating such land, the tenancy of such land shall be in abeyance during the period the mortgage subsists. After the expiry of the said period it shall, notwithstanding any other law for the time being in force, be lawful for the tenant to continue to hold the land on the terms and conditions on which he held it before the mortgage was created.

[20][**"13A.Tenant's right of first purchase.—** (1) When a landlord intends to sell any land cultivated by a tenant he shall give notice of his intention to the tenant in the prescribed manner and shall specify the price at which the sale is to take place and call upon him to state within 90 days of receipt of the notice whether he is willing to buy the land at the price specified.

(2) The tenant may within 90 days of receipt of the notice signify in the prescribed manner his readiness to purchase the land at the price specified in the notice and there upon a contract to purchase the land at the said price shall be deemed to have been concluded between the landlord and the tenant.

(3) If the tenant is willing to purchase the land but contends that the price specified in the notice is excessive he may apply to the Collector in the prescribed manner within 30 days of receipt of notice under sub-section (1) for determining the price whereupon the Collect shall

determine the same in the prescribed manner in accordance with the principles laid down in the Land Acquisition Act, 1894 and the price so determined by the Collector shall be deemed to be the price specific in the notice under sub-section (1). But the tenant shall in such an event exercise the option conferred by sub-section (2) within 60 days the receipt of notice of the price fixed by the Collector.

(4) If the tenant fails within the period specified in sub-section (1) to signify his acceptance as provided in sub-section (2), the landlord shall be free to sell the land in question to any person at a price not lower than that set out in the notice or the price determined by the Collector under sub-section (3) as the case may be.

[20] New section inserted by inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966.

(5) Any sale by a landlord to a person other than a tenant without giving the notice required by sub-section (1), or before the expiry of the period of the said notice or at price lower than, that set out in the notice or the price determined by the Collector under sub-section (3) as the case may be, shall be void.

(6) Notwithstanding anything in this section, a tenant who fails to avail himself of the offer of first purchase made under sub-section (1) shall not, by reason thereof, cease to be a tenant, but shall continue as tenant under the new owner on the same terms and conditions as before.

(7) Government may, subject to due appropriation being made in this behalf, grant on such terms as may be prescribed, a loan to a tenant for the purchase of any land in respect of which a notice has been served upon him under sub-section (1)".]

14.Rights of tenants are heritable.— (1) Where a tenant dies the landlord shall be deemed to have continued the tenancy —

(a) if such tenant was a member of a joint family, to the surviving member or members of the said family, and

(b) if such tenant was not a member of a joint family, to his, heir or heirs on the same terms and conditions on which such tenant was holding it at the time of his death.

(2) The surviving members, or as the case may be, the heirs to whom the tenancy is continued under sub-section (1) shall be entitled to partition and sub-division of the land leased subject to the following conditions:

(a) each sharer shall hold his share as a separate tenant;

(b) the rent payable in respect of the land leased shall be apportioned among the shares according to share allotted to them;

and if any question arises regarding the shares or the apportionment of the rent payable by the sharers, it shall be decided by the Mamlatdar whose decision shall be final.

[21]["Provided, however, that no partition or sub-division shall be permissible if the share allotted to any heir or any co-partner together with any other land already held by him is less than 1/3 hectare of morod land and 1/4 hectares of Khajan or Kher land.

Explanation.— The allotment of a separate number to any portion of the land for the purposes of land records or land survey under any law for the time being in force shall not, by itself amount to a sub-division or partition for the purpose of this sub-section".]

(3) Where any question arises as to the person or persons in whose favour tenancy is deemed to have been continued under the foregoing provisions, such question shall be determined by the Mamlatdar after hearing the landlord and other persons interested in the matter:

[21] Proviso added by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966.

Provided that nothing in this sub-section shall preclude the rights of parties being determined by a court of law.

15. **Sub-division, sub-letting and assignment prohibited.—** (1) Save as otherwise provided in this Act, no sub-division or sub-letting of the land held by a tenant or assignment of any interest therein, shall be valid.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for a tenant:—

(a) who is a widow, minor or a person subject to any physical or mental disability, or a serving member of the Defence Forces to sub-let such land held by her or him as a tenant, or

(b) who is a member of a Co-operative Society and as such member to sub-let, assign, mortgage or to create a charge on his interest in the land in favour of such Society.

(3) Notwithstanding anything contained on sub-section (1), it shall also be lawful for a tenant to mortgage or create a charge on his interest in the land in favour of the Government or of a Co-operative Society, 22[or corresponding new Bank] in consideration of a loan advanced to him by the Government or the Co-operative Society, [or corresponding new Bank] as the case may be and without prejudice to any other remedy open to the Government or the Co-operative Society, 22 [or corresponding new Bank] as the case may be, in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted it shall be lawful for the Government or the Co-operative Society, 22 [or corresponding new Bank] as the case may be, to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.

23["**15A. Lands mortgaged to Government and co-operative societies.—** When a tenant has mortgaged his interest in the land in favour or Government or a co-operative society 22[or corresponding new Bank] with the permission of Government, in consideration of a loan advanced to him, then notwithstanding anything contained in any other provision of this Act, the landlord shall not, while the mortgage subsists, without the prior permission of Government, be entitled to resume the land for personal cultivation, or to terminate the tenancy on any of the grounds mentioned in section 11 or otherwise, nor shall the tenant be entitled without such permission to surrender his interest to the landlord and any such surrender shall be void:

Provided, however, that for the period during which such permission has been sought but has not been granted, the obligations of the tenant under this Act to the landlord shall

22 Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1982 22
Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1982 22
Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1982 23
Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966.

1 Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966. 22
Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1982

devolve upon Government or the co-operative society 18[or corresponding new Bank] as the case may be".

24[***Explanation.—*** For the purposes of sections 15 and 15A, the expression "corresponding new Bank" means a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970.)]

16.Bar to attachment, seizure or sale by process of Court.— Save as expressly provided in this Act any interest in the land held by a tenant as such shall not be liable to be attached, seized or sold in execution of a decree or order of a Civil Court.

25[**17**.] Repealed

18. Procedure for taking possession.— (1) A tenant entitled to possession of any land or dwelling house under any of the provisions of this Act may apply in writing for such possession to the Mamlatdar. The application shall be made in such form and within such period as may be prescribed by or under this Act.

(2) No landlord shall obtain possession of any land or dwelling house held by a tenant except under an order of the Mamlatdar, for which he shall make an application in such form and within such period as may be prescribed by or under this Act.

(3) On receipt of an application under sub-section (1) or (2) the Mamlatdar shall, after holding an enquiry, pass such orders thereon as he deems fit, with due regard to the other provisions of this Act and the Rules.

(4) Any tenant or landlord taking possession of any land or dwelling house except in accordance with the provisions of sub-section (1) or (2), shall be liable to forfeiture of crops, if any, grown in the land in favour of the landlord or the tenant, as the case may be, in addition to payment of such costs as may be awarded by the Mamlatdar or by the Collector on appeal and also to the penalty, if any, prescribed by or under this Act.

(5) The Government may, by notification, direct that the provisions of the foregoing sub-sections shall apply to sites used for allied pursuits as they apply to sites of dwelling houses of an agriculturist and thereupon the provisions shall so apply.

(3) If the landlord of a site referred to in sub-section (1) intends to sell such site, such tenant at the expense of whom or whose predecessor-in-title a dwelling house is built thereon*, shall be given in the manner provided in sub-section (4) the first option of purchasing the site at a value determined by the Tribunal.

(4) The landlord intending to sell such site shall give notice in writing to the tenant requiring him to state within ninety days from the date of service of such notice whether he is willing to purchase the site.

24 Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1982. 25 Repealed by the GDD Mundkar (Protection from eviction) Act 1975 Act No. 10 of 1976

(5) If within the said period the tenant intimates in writing to the landlord that he is willing to purchase the site, the landlord shall make an application to the Tribunal for the determination of the market value of the site. On receipt of such application the Tribunal shall, after giving notice in the prescribed manner and after holding enquiry, determine the market value of the site and shall, by an order in writing, require the tenant to deposit the amount so determined within ninety days from the date of such order. On the deposit of such amount the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landlord. The Tribunal shall, on payment of the prescribed fees, grant a certificate in the prescribed form to the tenant specifying therein the particulars of the site or transferred and the name of the tenant:

Provided that where the Tribunal is satisfied that the tenant is unable to make the deposit of the said amount within the period mentioned above it may permit the tenant to make the deposit in three equal annual installments, or, where the tenancy is terminated earlier, in suitable installments before the termination; in such cases the site shall be deemed to have been transferred to the tenant on payment of last installment.

(6) If in respect of a site which a landlord offers to sell to the tenant under the provisions of sub-section (3), the value payable there for by the tenant is agreed to between him and the landlord, either the landlord or the tenant or both jointly may apply to the Tribunal and thereupon the Tribunal shall, on payment of the prescribed fees, grant a certificate in the prescribed form; the value that is so agreed upon shall be deemed to be the market value determined by the Tribunal for the purposes of sub-section (5).

(7) If the tenant fails to intimate his willingness to purchase the site within the period referred to in sub-section (4) or fails to deposit the amount of the value within the time specified in sub-section (5), the tenant shall be deemed to have relinquished his right of first option to purchase the site:

Provided that no tenant of agricultural land shall, so long as he remains such tenant, he liable to be evicted from the site by the purchaser of such site unless any nearby site is offered to him by the landlord or by the Government:

Provided further that the tenant shall be entitled to such compensation as may be determined by the Tribunal, for any loss caused to him on account of the eviction.

(8) Any sale of a site effected in contravention of this section shall be void.

(9) The Government may, by notification direct that the foregoing provisions of this section shall, in any area specified in the notification, apply also in respect of dwelling houses and the sites thereof occupied by agricultural laborers or artisans or in respect of land held or lease by persons carrying on allied pursuits."

[26]["**CHAPTER IIA**

Special rights and privileges of tenants

18A.Tenants deemed to have purchased lands on tillers' day.— (1) On the tillers' day, every tenant shall, subject to the other provisions of this Act, be deemed to have

[26] New Chapter IIA Inserted by the Goa , Daman & Diu Agricultural Tenancy (Amendment) Act, 1976 (Act No. 17 of 1976).

purchased from his landlord the land held by him as a tenant and such land shall vest in him free from all encumbrances subsisting on the said day.

(2) Where a tenant, on account of his eviction from the land by the landlord before the tillers' day, is not in possession of the land on the said day, but has made or makes an application for possession of the land under section 18 within the period specified therein, then, if the application is allowed by the Mamlatdar or, as the case may be, in appeal by the Collector or in revision by the Administrative Tribunal, he shall be deemed to have purchased the land on the day on which the final order allowing the application is passed.

(3) Where a tenant referred to in sub-section (2) has not made an application for possession within the period specified under section 18 or the application made by him is finally rejected under this Act, and the land is held by any other person as tenant on the expiry of the said period or on the date of the final rejection of the application, such other person shall be deemed to have purchased the land on the date of the expiry of the said period or, as the case may be, on the date of the final rejection of the application.

(4) If a tenant is not in possession of the land on the tillers' day on account of his being dispossessed otherwise than in the manner provided in section 11 and the land is—

(a) in possession of the landlord or his successor in interest; and

(b) not put to a non-agricultural use, the Mamlatdar shall notwithstanding anything contained in this Act,

either *suo motu* or on the application of the tenant, hold an inquiry and direct that such land shall be taken from the possession of the landlord or, as the case may be, his successor in interest and shall be restored to the tenant and the provisions of this Chapter shall, in so far as they may be applicable, apply thereto, subject to the modification that the tenant shall be deemed to have purchased the land on the date on which the land is restored to him:

Provided that the tenant shall not be entitled to restoration under this sub-section unless he undertakes to cultivate the land personally.

Explanation.— In this sub-section, "successor-in-interest" means a person who acquires the interest by testamentary disposition or devolution on death.

(5) In respect of the land deemed to have been purchased by a tenant under sub-section (1),—

(a) the tenant-purchaser shall be liable to pay to the former landlord the purchase price; and

(b) the tenant-purchaser shall be liable to pay to the Government, the dues, if any, from the tillers' day.

18B. **Right of tenant to purchase land where he is a minor, etc.—** (1) Notwithstanding anything contained in section 18A, where the tenant is a minor or a widow or a person subject

to mental or physical disability or a serving member of the Defence Forces, the right to purchase land under that section may be exercised—

(a) by the minor within one year from the date on which he attains majority;

(b) by the successor in title of the widow within one year from the date on which her interest in the land ceases to exist;

(c) within one year from the date on which the mental or physical disability of the tenant ceases to exist;

(d) within one year from the date on which the tenant ceases to be a serving member of the Defence Forces:

Provided that where a person of any such category is a member of a joint family, the provisions of this sub-section shall not apply if at least one member of the joint family is outside the categories mentioned in this sub-section, unless before the tillers' day the share of such person in the joint family has been separated by metes and bounds, and the Mamlatdar on inquiry is satisfied that the share of such person in the land is separated having regard to the area, assessment, classification and the value of the land, in the same proportion as the share of that person in the entire joint family property.

(2) A tenant desirous of exercising the right conferred on him under sub-section (1) shall give an intimation in that behalf to the landlord and the Mamlatdar within whose jurisdiction the land is situated in the prescribed manner within the period specified in that sub-section.

(3) The provisions of section 18A and sections 18C to 181 shall, so far as may be applicable, apply to such purchase.

18C.Mamlatdar to issue notices and determine price of land to be paid by tenants.—
(1) As soon as may be after the tillers' day, the Mamlatdar shall publish or cause to be published a public notice in the prescribed

form in the Official Gazette and also in such other manner as may be prescribed calling upon—

(a) all tenants who under section 18A are deemed to have purchased the lands;

(b) all landlords of such land; and

(c) all other persons interested therein,

to appear before him on the date specified in the notice.

27["(2) Notwithstanding anything contained in sub-section (1), the Mamlatdar may, on his own motion or on an application from any person who has been called upon to appear before him under sub-section (1), give an opportunity to appear before him on any subsequent day, time and place other than that specified in the public notice under sub-section (1), to—

(a) such tenants or such persons claiming to be tenants;

(b) such landlords and other interested parties, who had appeared before the Mamlatdar in response to notice published under sub-section (1)";]

(3) The Mamlatdar shall record in the prescribed manner the statement of the tenant whether he is or is not willing to purchase the land held by him as a tenant.

27 Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1993(23 of 1993).

(4) Where any tenant 28[…] makes a statement that he is not willing to purchase the land, the Mamlatdar shall, by an order in writing declare that such tenant is not willing to purchase the land and that the purchase is ineffective:

Provided that if such order is passed in default of the appearance of any party, the Mamlatdar shall communicate such order to the parties and any party on whose default the order was passed may within sixty days from the date on which the order was communicated to him apply for the review of the same.

(5) If a tenant is willing to purchase, the Mamlatdar shall, after giving an opportunity to the tenant and the landlord and all other persons interested in such land to be heard and after holding an inquiry determine the purchase price for such land in accordance with the provisions of section 18D.

(6) In the case of a tenant who is deemed to have purchased the land on a date subsequent to the tiller's day, the Mamlatdar shall, as soon as may be after such day, determine the price of the land.

18D.Purchase price payable to the landlords.— (1) The purchase price payable by a tenant to the landlord in relation to the land which has been deemed to have been purchased by the tenant under section l8A shall be 29[...] the amount indicated in column 2 of the Table below in respect of the categories of land specified in the corresponding entry in column thereof 30[...].

TABLE

Category of land	Purchase price (in rupees) per hectare
2 Garden consisting primarily of.—	
a) Coconut trees	4,000
b) Arecanut trees	3,000
c) Mango trees	2,500
d) Cashew trees	1,600
Rice land:	
a) Kher	4,000
b) Khazan	3,600
c) Morod	1,600
Wet land where sugarcane is cultivated:	2,500

2.31[...].

18E. Mode of payment of purchase price by tenant.— (1) On the determination of the purchase price by the Mamlatdar under section (18C, the tenant shall deposit the purchase price with the Mamlatdar the manner provided in this section.

28 The words [fail to appear or] omitted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1993. 29 The words [an amount equivalent to fifteen times the net average annual income of the land for the three years immediately preceding the tillers' day or] omitted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1993.

30 The words [whichever is lower] omitted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1993. 31 Sub-section (2) omitted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1993.

(2) The tenant shall have the option to deposit the purchase price either in lumpsum or in ten equal annual instalments.

(3) The first instalment of the purchase price or where the purchase price is payable in a lumpsum under sub-section (2), the lumpsum, shall be paid by the tenant within a period of six months from the date of passing of the order of the Mamlatdar under section 18C.

(4) The second or subsequent instalments of the purchase price shall be paid within a period of one year from the date on which the previous instalment was due.

(5) Where the lumpsum payment or any installment of the purchase price has not been deposited on the due date, the amount in default shall carry interest at the rate of six per cent per annum.

18F.Amount of purchase price to be applied towards satisfaction of debts.— (1) The Mamlatdar shall in an inquiry held under section 18C, determine any encumbrances lawfully subsisting on the land on the tillers' day.

(2) If the total amount of the encumbrances is less than the purchase price determined under that section,—

(i) where the purchase price is paid in lumpsum, it shall be deducted from the purchase price and the balance paid to the former landlord;

(ii) where the purchase price made payable in instalments, the Mamlatdar shall deduct such amount from such instalments towards the payment of such encumbrances:

Provided that where under any agreement, award, decree or order of a court or under any law, the amount of the encumbrances is recoverable in instalments, the Mamlatdar shall deduct such amount as he deems reasonable from the instalments so payable.

(3) If the total amount of the encumbrances is more than the amount so determined, the purchase price in lumpsum or the instalments, as the case may be, shall be distributed in the order of priority and if any person has a right to receive maintenance or alimony from the profits of the land the Mamlatdar shall also make deductions for payment out of the purchase price.

(4) Nothing in this section shall affect the rights of the holder of any such encumbrance to proceed against the former landlord in any other manner or under any other law for the time being in force.

18G.Recovery of purchase price as arrears of land revenue.— If the tenant-purchaser makes a default in the payment of the whole or part of the purchase price, the Mamlatdar shall, on an application made in this behalf by the landlord proceed to recover such sum which is in arrears on the date of application, together with any interest due as arrears of land revenue.

18H.Purchase to be ineffective on tenant-purchaser's failure to pay purchase price.— (1) On the deposit of the purchase price in lumpsum or of the first installment of such price, the Mamlatdar shall issue a certificate of purchase in the prescribed form to the tenant purchaser in respect of the land and such certificate shall, subject to sub-section (2), be conclusive evidence of the purchase.

(2) In the event of failure of recovery of purchase price as arrears of land revenue under section 18G, the purchase shall be ineffective and the land shall be at the disposal of the

Mamlatdar under section 18J and any amount deposited by such tenant-purchaser towards the price of the land shall be refunded to him.

18I. Right of tenant whose tenancy has been created after tillers' day.— (1) Not- -withstanding any agreement or usage to the contrary, in respect of any tenancy created after the tillers' day, a tenant shall be entitled within one year from the commencement of such tenancy to purchase from the landlord the land held by him.

(2) The provisions of this Chapter shall in so far as may be applicable, apply to the purchase of the land by a tenant under sub-section (1).

18J. Power of Mamlatdar to resume and dispose of land not purchased by the tenant.— (1) Where the purchase of any land by the tenant under section 18A becomes ineffective under section 18C or section 18H or where a tenant fails to exercise the right to purchase the land held by him within the specified period under section18B, the Mamlatdar may, *suo motu* or on an application made in this behalf, and in cases other than those cases in which the purchase has become ineffective by reason of section 18C or section 18H, after holding a formal inquiry direct the land or part thereof shall be disposed of in the manner provided in sub-section (2).

(2) The Mamlatdar shall make an order directing that the land or part thereof referred to in sub-section (1) shall be disposed of by sale to any person in the following order of priority:

(i) 75 per cent of such land shall be disposed of by sale to persons belonging to the Schedulel Castes and Scheduled Tribes;

(ii) the land remaining after disposal in the manner provided in clause (i) shall be disposed of by sale in the following order of priority, namely:—

(a)serving member of the Defence Forces or an ex-serviceman or a freedom fighter, who agrees to cultivate the land personally;

(b)agricultural labourers;

(c)landless persons;

(d)a co-operative farming society registered as such under the Maharashtra Co-operative Societies Act, 1960, as in force in the Union Territory of Goa, Daman & Diu.

Explanation 1. — Where the Mamlatdar has to select under this sub-section one or more persons having the same order of priority, preference shall be given to a person residing in the village in which the land is situated. In the event of there being more than one applicant having the same priority, the land shall be disposed of by sale, by drawing lots. The maximum area of the land that shall be sold to an individual shall be equivalent to one "economic holding" as defined in clause (e) of rule 2 of the Goa, Daman and Diu Land Revenue (Disposal of Government Lands) Rules, 1971.

Explanation II. — For the purposes of this sub-section, "freedom fighter" means a person who has,—

(a)suffered imprisonment or detention for a period of not less than six months; or

(b)become permanently incapacitated as a result of any firing or lathi charge; or

(c)lost his job or means of livelihood or the whole or part of any of his property,

by reason of his participation in the national movement for the liberation of Goa, Daman and Diu.

(3)Where any land is disposed of under sub-section (2), the Mamlatdar shall determine the price of the land in accordance with the provisions of section 18C and the price so determined shall be paid in accordance with the provisions of section 18E.

(4)Where any land or portion thereof is offered for sale under sub-section (2), but no person comes forward to purchase such land or portion, as the case may be, it shall vest in the Government free from all encumbrances subsisting on the tillers' day and the purchase price

payable by the Government to the landlord in respect of the land so vested in the Government shall be paid in cash.

18K.Restrictions on transfers of land purchased under this Chapter.— No land purchased by a tenant under this Chapter shall be transferred by sale, gift, exchange, mortgage, lease or assignment without the previous sanction of the Mamlatdar:

Provided that no such sanction shall be necessary where the land is to be mortgaged in favour of the Government or a co-operative society for the purpose of a loan for effecting any improvement of such land.

18L.Power to make rules.— (1) The Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which the tenant should intimate the landlord and the Mamlatdar under sub-section (2) of section 18B;

(b) the form of public notice and the manner in which it is so be published under sub-section (1) of section 18C;

(c) any other matter which is required to be prescribed."]

[32][CHAPTER III( )]

Section 19 to 22

CHAPTER IV

Fixation of rent

23.Maximum Rent.— (1) Subject to the other provisions of this Act, the rent payable by a tenant to the landlord in respect of any land shall not exceed one sixth of the gross produce of such land.

24.Maximum Rent after Survey & Settlement.— (1) The provisions of this section shall come into force in any area with effect from such date as may be fixed specially by notification.

(2) In any area in which a survey and settlement of agricultural lands have been completed in pursuance of the provisions of this Act or of any other law, the maximum rent payable by a tenant to a landlord shall be such multiples of the land revenue, not exceeding five, as may be prescribed for each area.

(3) Where the maximum rent has been fixed under sub-section (2) the Mamlatdar shall, for each village or group of villages or for any area in such village or group within his jurisdiction fix the rate of rent payable by the tenant for the lease of different classes of land situated in such village, group or area, as the case may be.

(4) The rate of rent so fixed shall continue for a period of 5 years and shall be liable to be revised by Government thereafter at the end of each successive period of 5 years; provided that the rate of rent so fixed, if not revised at the end of next period, shall continue until it is so revised.

(5) The rent payable by a tenant to his landlord in respect of any land in a village, or group of villages of area, shall be at the rate fixed under sub-section (3):

Provided that the Mamlatdar may at any time during any such period of five years, on an application made to him in this behalf and after hearing the landlord or the tenant as the case may be —

(i) reduce the rent, if he is satisfied that on account of the deterioration by flood, or other cause beyond the control of the tenant, the land has been wholly or partially rendered unfit for cultivation, or

(ii) subject to the maximum fixed under sub-section (2), enhance the rent, if he is satisfied that on account of any improvement made in the land, at the expense of the landlord, there has been an increase in the agricultural produce thereof.

(6) Until the rent is fixed in accordance with the provisions of the preceding sub-sections a tenant shall, subject to the maximum provided under sub-section (2), be liable

32 Chapter III omitted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1976 (Act No. 17 of 1976).

to pay rent to the landlord at the rate at which it was payable immediately before the date referred to in sub-section (1).

(7) The rent payable under this section shall, at the option of the landlord, be payable in kind at such conversion rates as may be fixed by the Government by notification from time to time.

25.Compensation and penalty for excess recovery of rent.— If any landlord recovers rent from any tenant in contravention of the provision of section 23 or 24, he shall forth with refund the excess amount recovered to the tenant and shall be liable to pay such compensation to the tenant as may be determined by the Mamlatdar, and shall also be liable to such penalty as may be prescribed by or under this Act.

26. Liability for cost cultivation, tax, works etc.— (1) In the case of land in respect of which rent has been fixed under the foregoing provisions a landlord shall not be liable to make any contribution towards the cost of cultivation of the land in the possession of his tenant, except to the extent otherwise specifically provided for in this Act.

(2) (a) The liability to pay land revenue in accordance with the provisions of any law for the time being in force shall be that of the landlord.

(b) The liability to pay irrigation cess in accordance with the provisions of any law for the time being in force, shall be that of the tenant.

(c) The liability to pay any other rate, tax, fee, cess or other charge levied by or under any other law shall be as provided in such law and in the absence of any provision, that of the tenant.

(3) In the case of Khajan and Kher lands the duty and responsibility of carrying out works of maintenance, repair and conservancy of banks, bunds or ridges of tanks or rivers or other sources of irrigation shall be that of the tenant and the landlord shall not be liable to make any contribution to the cost of such works:

33"[Provided, however, that in the case of repairs to breaches in bunds which may be specified by Government as protective bunds, Government shall, on such conditions and in such manner as may be prescribed, contribute a sum not exceeding 50% of the cost of such repairs:

Provided, further, that the duty and responsibility of carrying out works of a recurring nature designed to conserve water such as the closure of apertures of the sides or wall of a tank such as *Khan* or popularly known by any other name, shall continue to be that of the person on whom it was cast, according to the custom, usage or practice in force immediately before the commencement of this Act.

Any question as to the existence of any such custom, usage, or practice as aforesaid shall be determined by the Mamlatdar after such enquiry as may be necessary or prescribed]".

33 Proviso was earlier amended by the Amendment Act 11 of 1965 however subsequently entire proviso is substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966 (Act No. 10 of 1966).

34[(3)-A (a) [Whenever it appears to the Mamlatdar that any of the works of maintenance, repair and conservancy referred to in sub-section (3) have been neglected for any reason whatsoever he may, by order in writing, direct that the works shall be carried out by such person as may be specified and the cost thereof shall be recovered from the beneficiaries of the work done as arrears of land revenue]:

Provided that in the case of repairs to protective bunds where the breaches have occurred owing to the negligence of the owner of any land to which this Act does not apply, the cost of repairs incurred as a result of such negligence may also be recovered from such persons as may be named in the order of the Mamlatdar as arrears of land revenue.

(b) The person from whom the costs are recovered under the preceding clause shall be entitled to recover the same or an appropriate portion thereof from any person who in law is wholly or partially liable to construct, maintain or repair the bunds;

(c) The question as to whom are the beneficiaries of repairs to a bunds shall be determined by the Mamlatdar;

(d) From any order passed by the Mamlatdar under this sub-section an appeal shall lie to Government whose decision shall be final]".

(4) Where the benefit of any such works as is referred to in the [35][preceding sub-sections] is derived by or is available to more tenants than one, the cost of such works shall be distributed between all such tenants in such proportion as may be agreed to between them or, in the absence of an agreement, as may be determined by the Mamlatdar, having due regard to all relevant circumstances of the case.

(5) For the purpose of ensuring that the duty and responsibility referred to in sub-section (3) are discharged properly and promptly, the Government may, by order, direct the tenants concerned to take such measures as may be specified in the order. A copy of every such order shall be sent to the landlord.

(6) If any tenant commits default in complying with any direction or order passed under the preceding sub-section the provisions of sub-sections (4) and (6) of section 37 shall apply to such default as if it is a default within the meaning of that section.

27.Bar to recovery of any other sum from tenant.— Save as otherwise provided in this Act, it shall not be lawful for any landlord to levy any rate, tax, fee, cess or other charge for service of any description or denomination whatsoever from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

28.Benefit of any suspension or remission of rent.— (1) Whenever by reason of any natural calamity or like circumstances the payment of the whole land revenue payable to the Government in respect of any land is suspended or remitted in accordance with such

[34] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966 (Act No. 10 of 1966).

[35] These words were substituted for the words "preceding sub-section" the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966 (Act No. 10 of 1966).

principles as may be provided for in this behalf the landlord shall suspend or remit, as the case may be, the payment to him of the rent of such land by his tenant. If in the case of such land the land revenue is partially suspended or remitted, the landlord shall suspend or remit the rent payable by the tenant of such land in the same proportion.

(2) If no land revenue is payable to Government in respect of such land and if for any reason, the payment of the whole or any part of the land revenue payable to Government in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Collector, shall subject to the general or special orders of Government, in the manner provided in sub-section (1) suspend or remit as the case may be the payment to the landlord of the rent or part of it due in respect of such land.

(3) No proceedings shall be taken for recovery by a landlord of any rent, the payment of which has been remitted or suspended or during the period for which the payment of such rent has been remitted or suspended under this section. The period during which the payment of rent is remitted or suspended under this section shall be excluded in computing the period of limitation prescribed for any proceeding for the recovery of such rent.

(4) If any landlord fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention of this section, if the Mamlatdar, after making an inquiry, orders the refund.

CHAPTER V

Other rights and liabilities

29.General.— Save as provided in this Act, the rights and privileges of any tenant under any custom, usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever, shall not be limited or abridged.

30.Presumption as to rent and duty to give receipt.— (1) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to the landlord shall be presumed to be a payment on account of rent due by such tenant for year in which the payment is made.

(2) When any amount of rent is received in respect of any land by a landlord or by a person or behalf of such landlord, the landlord or, as the case may be, the person shall at the time when such amount is received by him give a written receipt therefore in such form and in such manner if any as may be prescribed.

31.Tenant's right to trees on the land.— If in any portion of agricultural land leased to a tenant not covered by cultivation, the tenant has planted or plants any trees, he shall be entitled to the produce and the wood of such trees during the continuance of his tenancy and shall on the termination of his tenancy be entitled to such compensation for the said trees as may be determined by the Mamlatdar:

Provided that the tenant shall not be entitled to compensation under this section if the tenancy is terminated by surrender under section 10.

(2) If in any such portion of the lands as is referred to in sub-section (1) there are any trees naturally growing thereon, the tenant shall, during the continuance of his tenancy, be entitled to two-thirds of the produce of the trees and the landlord to the remaining one third.

32.Compensation for improvements made by tenant.— (1) A tenant who has made any improvement on the land held by him, other than what he is bound to do under this Act, shall, if his tenancy is terminated under the provisions of this Act, be entitled to compensation for such improvement the amount of which shall, on application made by by the tenant in the prescribed form, be determined by the Tribunal in accordance with the provisions of sub-section (2).

(2) The amount of compensation shall be the value of the improvement at the time of the termination of the tenancy estimated with due regard to:

(a) the amount by which the value of the land is increased by the improvement;

(b) the condition of the improvement as at the time of application and the probable duration of its effect;

(c) the labour and capital provided or spent by the tenant for the making of the improvement; and

(d) any reduction or remission of rent or other advantage allowed to the tenant by the landlord in consideration of the improvement.

33.Right to erect farmhouse.— A tenant shall be entitled to erect a farmhouse on the land held by him as a tenant with the consent of the landlord and without deteriment to the area of cultivation:

Provided that where the landlord refuses to give consent within a period of sixty days from the date of request or where the landlord unreasonably refuses to give such consent, the tenant shall be entitled to erect the farmhouse with the consent of the Mamlatdar to be given after hearing the parties.

34.Maintenance of boundary marks.— The responsibility for the maintenance and good repair of the boundary marks of the land held by the tenant and for the payment of any charges reasonably incurred on account of services by revenue officers in case of alteration, removal or disrepair of such boundary marks shall be that of the tenant.

35.Repairs to protective bunds.— (1) The duty and the responsibility of the construction, maintenance or repairs of any bunds referred to in sub-section (3) of section 26 shall be that of the tenant notwithstanding any law, agreement, usage or custom or decree or order of a court, to the contrary.

(2) If it appears to the Government that the said construction, maintenance or repair has been neglected owing to a dispute between the tenant and the landlord, or between the tenants themselves, or for any reason, the Government may, by order in writing, direct that the construction, maintenance or repair shall be carried out by such person as may be specified in the order and the costs thereof shall be recoverable from the person in actual possession of the bund as arrears of land revenue.

(3) The person from whom the costs are recovered under sub-section (2) shall be entitled to recover the same or an appropriate portion thereof from any person who in law is wholly or partially liable to construct, maintain or repair the bunds.

36. Power to assume management.— (1) If it appears to the Government that for any two consecutive years including any period before the commencement of this Act, any land has remained uncultivated through default either of the landlord or of the tenant, or that cultivation of any land has seriously suffered for any other cause whatsoever, or that any land capable of being used, if reclaimed or otherwise improved, howsoever, has not been so reclaimed or otherwise improved and cultivated, or that any land is remaining as a pasture land in excess of the ordinary grazing requirements of the cattle of the person entitled to graze cattle thereon, the Government may, after such enquiry as may be prescribed, declare by notification that the management of such land shall be assumed, and such declaration shall be conclusive.

[36][***Explanation:***A land which is cultivable both during the "Sard" (Kharif) and "Vaingan" (Rabbi) season in a year, is not cultivated during anyone of the said season during any year, shall for the purpose of this section be deemed to have remained uncultivated for that year.]

(2) On the publication of a notification under sub-section (1), the Government or an officer authorized by the Government in this behalf shall appoint a manager to be in charge of the land and the manager so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.

(3) During the period commencing from the date of publication of the notification under sub-section (1) and ending with the termination of management under sub-section (4) the following provisions shall have effect, namely:

(a) all legal proceedings pending and all processes, executions or attachments in force in respect of debts and liabilities enforceable against the land shall be suspended and no fresh proceedings, processes, executions or attachments shall be instituted, issued, enforced or executed in respect thereof;

(b) the landlord shall be incompetent and the manager shall be competent:

(i) to enter into any contract with respect of the land;

(ii) to mortgage, charge, lease or alienate the land or any part thereof; and

(iii) to grant valid receipts for rents or profits accruing from the land:

Provided that the manager shall not be competent to alienate any and save with the prior approval of the Government and with the consent of the landlord, or where the landlord cannot be found; after the publication of a notice in the prescribed manner:

[37][Provided further that where the manager is satisfied that for the purpose of bringing the land under cultivation it is necessary for the lessee to make improvement on the land at a considerable cost or labour or both, it shall be competent for the manager subject to the previous approval of the Government to remit to the lessee the

[36] Explanation added by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

[37] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

whole or part of the rent payable to him in respect of the land, for a maximum period of five years.]

(c) all powers, which if the management of the and has not been assumed, would have been exercisable by the landlord shall be exercisable by the manager who shall receive and recover all rents and profits due in respect of the land under management and for the purpose of recovering the same may exercise, in addition to the powers exercisable by the landlord the powers exercisable by a Collector for the recovery of land revenue;

(d) from the sums received on account of the land, the manager shall pay—

(i) the cost of management including the cost of necessary repair;

(ii) the Government revenue and all sums due to the Government in respect of the land under management;

(iii) the rent, if any, due to any superior holder in respect of the land;

(iv) such periodical allowance as the Collector may from time to time fix for the maintenance and other expenses of the landlord and of such members of his family as the Collector directs; and

(v) the cost of such improvement of the land as he thinks necessary and is approved by the Collector;

(e) the manager shall pay to the landlord the balance, if any, remaining after the expenses referred to in clause (d) have been defrayed:

Provided that if any proceedings in respect of debts and liabilities enforceable against the land have been suspended under clause (a), the manager shall, out of such balance deposit an amount, not exceeding the amount estimated to be required for the meeting of such debts and liabilities, with the Court in which the proceedings were pending.

[38][(3A) Where the management of any land has been assumed under sub-section (1) on account of the default of the tenant, such tenant shall cease to have any right or privilege under the provisions of this Act, in respect of such land with effect from the date on and from which such management has been assumed.]

(4) (a) When in the opinion of the Government it has become unnecessary to continue the management of the land the Government shall by notification terminate the management thereof.

(b) On the termination of management, the land (together with any balance of monies creditable to the landlord) shall be delivered to the landlord from whom the management was assumed if he is dead, to the person appearing to the Government to be entitled to the land.

[38] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

(c) All acts done by the manager during the period of management shall be binding on the landlord or other person to whom the land is delivered under clause (b).

(d) The period during which the institution of any proceedings has been prohibited by clause (a) of sub-section (3) shall be excluded from the computation of the period of limitation for the institution of that proceeding.

(5) The Government may appoint a Comunidade, a Village Panchayat, or a Co-operative Society as manager for the purposes of this section.

37.Prescription of standards of cultivation and management.— (1) With a view to bring agricultural economy to a higher level efficiency the Government may, by rules, regulate standards of efficient cultivation and management.

(2) Such rules may provide for the issue of directions as regard the methods of agriculture to be adopted, for the use of improved seeds, for the proper maintenance of embankments and bunds, for the sale of surplus food grains and for ensuring proper wages and terms of employment to agricultural workers, for the maintenance of regular and accurate accounts in respect of cultivation, and for the issue of such other direction as may be necessary or desirable for the efficient utilisation of lands.

(3) Subject to the rules made under sub-section (1), the Government may by order published in the Official Gazette prescribe and programme referred to above he shall —

(4) If any tenant makes any default in observing the standards of programme referred to above he shall —

(i) for the first season in which the default occurs, be issued a warning;

(ii) for the next season in which a default occurs, be liable to pay additional rent to the landlord of ten per cent over and above the rent payable by him, if the default is not due to any act of omission on the part of the landlord; and

(iii) for the succeeding season in which the default occurs again be liable to be evicted from the land under an order of the Mamlatdar.

(5)If any landlord makes any default in observing the standards of programmes referred to above, he shall be liable to forego in favour of the tenant ten per cent of the rent due to him if such default occurred more than once in a year.

(6) The penalties provided in sub-sections (4) and (5) shall be in addition to the penalties if any, provided by or under this Act or any other law for the time being in force.

38.Tenant's right to operate sluice gates. — (1) Where, for the purpose of regulating supply of water [39][or] for irrigation of any land, there is any sluice gate or other such contrivance, the right to operate and the duty and responsibility of maintaining such sluice gate or other contrivance, as also the right to the fisheries, if any, in the vicinity thereof, shall be that of the tenant, notwithstanding any other law, custom, usage, agreement or contract, decree or order of any court to the contrary.

[39] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1965 (Act No. 11 of 1965).

(2) Where immediately before the commencement of this Act, any such right as is referred to in sub-section (i) vested in the landlord or any other person, other than the Government, the tenant shall be liable to pay to the landlord or other person, by way of rent for the exercise of the right conferred under that sub-section, a sum of money to be fixed by the Tribunal in accordance with such principles as may be prescribed.

(3) The rights conferred on a tenant under sub-section (1) shall, where there are more tenants than one who derive benefit from the same sluice gate or other such contrivance, be exercised by all the tenants jointly in accordance with such principles as may be prescribed.

[40][(4) Nothing in sub-section (1) shall be deemed to confer on the tenant any right to any fisheries or other property in the ownership or possession of Government or to authorise him to block or stagnate water for the purpose of catching or breeding fish, in any land used for agriculture.]

39.Construction of water course through land belonging to other person.—[41][(1) If any person (hereinafter called the applicant) desires to construct, or repair or to maintain, as the case may be, water course to take water for purpose of agriculture from a source of water to which he is entitled but such water course is to be constructed or runs through any land which belongs to, or is in possession of, another person (hereinafter called the neighbouring holder) and if no private agreement is arrived at for such construction or repairs or maintenance, as the

case may be, between the applicant and the neighbouring holder, the person desiring to construct or repair or maintain the water course may make an application in the prescribed form to the Mamlatdar].

(2) On receipt of the application, if the Mamlatdar, after making an inquiry and after giving to the neighbouring holder and all other persons interested in such land an opportunity of stating any objection to the application, is satisfied that for ensuring the full and efficient use for agriculture of the land belonging to the applicant it is necessary to construct [42][or to repair or to maintain, as the case be] the water course, he may, by order in writing direct the neighbouring owner to permit the applicant to construct the water course on the following conditions:

(i) the water course shall be constructed through such land direction and manner as is agreed upon by the parties or failing agreement, as directed by the Mamlatdar so as to cause as little damage to the land through which it is constructed, as may be possible;

(ii) where the water course consists of pipes, the pipes shall be laid at a depth not less than one foot and a half from the surface of the land;

(iii) where the water course consists of water channel, the channel shall not exceed five feet in breadth;

[40] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1965 (Act No. 11 of 1965).

[41] The existing sub-section is substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966 (Act No. 10 of 1966).

[42] Substituted by Amendment Act 10 of 1966

(iv) the applicant shall pay to the neighbouring holder such compensation for any damage caused to such land by reason of the construction of the water course or such annual rent, as the Mamlatdar may decide to be reasonable;

(v) the applicant shall maintain the water course in a fit state of repairs;

(vi) the applicant shall within the prescribed period execute an agreement in the prescribed

form in favour of the neighbouring holder; and

(vii) such other conditions as the Mamlatdar may think fit to impose.

(3) An order made under sub-section (2) shall direct how the amount of compensation shall be apportioned among the neighbouring holder and all persons interested in the land.

(4) An order made under sub-section (2) shall after the applicant executes an agreement as required under clause (vi) of sub-section (2) be a complete authority to him or to any agent or other person employed by him for the purpose to enter upon the land specified in the order with assistants or workmen and to do all such works as may be necessary for the construction of the water course and for renewing or repairing the same.

(5) The provisions of the foregoing sub-sections and of sections 40 to 42 shall apply *mutatis mutandis* to the case of a person whose land does not have adequate drainage facilities and who desires to construct a drainage channel through any land which belongs to, or is in the possession of, another person.

40.Failure to pay rent to keep water course in good repair.— If the applicant in whose favour an order under sub-section (2) of section 39 was made —

(a) fails to pay the amount of compensation or the amount of the rent, it shall be recovered as an arrear of land revenue on an application being made to the Mamlatdar by the person entitled thereto;

(b) fails to maintain the water course in a fit state of repairs shall be liable to pay such compensation as may be determined by the Mamlatdar for any damage caused on account of such failure.

41.Removal or discontinuance of water course — (1) If a person intends to remove or discontinue the water course constructed under the authority conferred on him under section 39, he may do so after giving notice to the Mamlatdar and the neighbouring holder.

(2) In the event of removal or discontinuance of such water course, the person taking the water shall fill in and reinstate the land at his own cost with the least practicable delay. If he fails to do so, the neighbouring holder may apply to the Mamlatdar who shall require such person to fill in and reinstate the land.

42.Neighbouring holder entitled to use surplus water on payment of rate.— The neighbouring holder or any person on his behalf shall have the right to the use of any surplus water from the water course on payment of such rates as may be agreed upon between the parties, and on failure of agreement, as may be determined by the

Mamlatdar. If a dispute arises whether there is or is no surplus water in the water course, it shall be determined by the Mamlatdar, and his decision shall be final.

[43][42A. **Procedure for regulating the discharge of joint responsibility of tenants.—** (1) When under any of the provisions of this Act, the duty and responsibility of any work of conservancy, maintenance or repair of any bund, embankment, ridge, sluice gate or any other work is that of more than one tenant, Government may, by rules regulate the manner in which such duty or responsibility shall be discharged and also the determination and recovery of the share of a tenant of the cost of a work to which he is under an obligation to contribute.

(2) Without prejudice to the generality of the foregoing, such rules may provide for —

(i) the constitution, functions and organisation of tenants associations for any local area;

(ii) the management and regulation of sources of income of the associations such as income from trees on bunds, operation of sluice-gates, fisheries and such other sources of income as may be prescribed;

(iii) the termination of the beneficiaries of any work, the apportionment an recovery of the cost of such work from among them;

(iv) the manner in which works shall be executed; and

(v) the conditions and mode of payment of Government's contribution.

(3) any sum which is payable by a tenant or any other person towards the cost of any such work as is referred to in sub-section (1) shall be recoverable as arrears of land revenue.

Explanation:— For the purpose of this section the term "tenant" shall include every person who cultivates the land personally].

CHAPTER VI

Tribunal, Procedure and Appeals

[44][**43. Tribunal.—** (1) For the purpose of this Act there shall be a Tribunal consisting of not more than three members, called the Agricultural Lands Tribunal, for such area as the Government may, by notification, from time to time specify.

(2) Notwithstanding anything contained in sub-section (1) the Government may appoint any officer not below the rank of a Mamlatdar to be the Agricultural Lands Tribunal and to exercise the powers and to perform the duties and functions of the said Tribunal under this Act in a Taluka or in any other area as may be specified in this behalf.

(3) Save as otherwise provided, the qualifications of the members constituting the Tribunal and conditions of service and all other matters relating to the constitution or organisation of the Agricultural Lands Tribunal shall be such as may be prescribed.]

[43] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966 (Act No. 10 of 1966).

[44] Section substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

44.Other functions of the Tribunal, etc.— (1) The Mamlatdar, the Tribunal and the Collector shall in addition to the powers and duties conferred upon them by or under the provisions of this Act, perform in relation to this Act such other functions as may be prescribed and shall decide such other matters as may be referred to them by the Government.

(2) All other matters arising for determination and all disputes between the landlord and the tenant in relation to matters arising under this Act and not otherwise provided for shall be decided by the Tribunal.

(3) The Government may by notification empower any other officer or authority, including a Village Panchayat or Co-operative Society or the Block Development Officer, with any of the powers and duties conferred by or under this Act on the Mamlatdar.

45.Powers of Tribunal.— (1) The Tribunal shall have the same powers in making inquiries under this Act as are vested in Courts in respect of the following matters under the Code of Civil Procedure, 1908 in trying a suit, namely:

(a) proof of facts by affidavit,

(b) summoning and enforcing the attendance of any person and examining him on oath,

(c) compelling the production or documents,

(d) awarding costs, and

(e) such other powers as may be prescribed.

(2) The orders of the Tribunal shall be given effect to in the manner provided by or under this Act.

46.Commencement of Proceedings.— Save as otherwise expressly provided by or under this Act all inquiries and other proceedings before the Mamlatdar or Tribunal shall be commenced by an application which shall contain the following particulars:

(a) the name, age, profession and place of residence of the applicant and the opponents;

(b) a short description and situation of the property of which possession is sought, or the amount of the claim, as the case may be;

(c) the circumstances out of which the cause of action arose;

(d) a list of the applicant's documents, if any, and of his witnesses, and whether such witnesses are to be summoned to attend or whether the applicant will produce then on the day of the hearing; and

(e) such other particulars as may be prescribed.

[45][46A. **Powers of the Mamlatdar to inquire into contraventions.—** (1) Notwithstanding the fact that no application has been made to him in this behalf the Mamlatdar may, upon information received or upon his own knowledge or suspicion, that any of the provisions of this Act have been contravened hold an inquiry in the prescribed manner into the alleged contravention as if an application had been made to him in this regard.

(2) Government may, in any case where it has reason to believe that there has been a contravention of the provisions of this Act, direct the Mamlatdar to hold an inquiry into alleged contravention.

The powers of Government under this sub-section may also be exercised by the Collector or any other Officer empowered in this behalf by Government].

47.Power to transfer proceedings.— (1) The Government, or the Collector within the area of his jurisdiction, may after due notice to the parties, by order in writing transfer any proceeding under this Act pending before a Mamlatdar from such Mamlatdar to any other Mamlatdar and the Mamlatdar to whom the proceeding is so transferred shall there-upon exercise jurisdiction under this act in such proceedings.

(2) The Government may in exceptional circumstances or in public interest transfer to itself any proceedings pending before a tribunal or Collector.

48. Execution of order for payment of money or restoring possession.— (1) Any sum the payment of which has been directed by an order of the Mamlatdar or the Tribunal or the Collector including an order awarding costs, shall be recoverable from the person ordered to pay the same as an arrear of land revenue; an order of the Mamlatdar or the Tribunal awarding possession or restoring the possession or use of any land shall be executed such manner as may be prescribed:

Provided that such recovery shall not be made and such order [47]'[other than an order directing the restoration of possession to a tenant] shall not be executed till the expiry of the period of appeal or, as the case may be, of application for revision as provided in this Act.

[48][Explanation:- For the purposes of the preceding proviso the expression "tenant" shall not include a person deemed to be a tenant under section 4 or section 5].

(2) An order or decision of the Mamlatdar in execution proceedings, subject to appeal, if any, shall be final.

49.Appeals.— (1) From every order [49][including an order passed under chapter II-A] other than an interim order passed by the Mamlatdar[50][or the Tribunal] under this Act, an

[45] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966 (Act No. 10 of 1966). [47] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966 (Act No. 10 of 1966). [48] Added by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966 (Act No. 10 of 1966).

[49] Inserted by Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1976 (Act No. 17 of 1976). [50] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

appeal shall lie to the Collector and the orders of the Collector on such appeal shall be final, subject to revision, if any, by [51][the Administrative Tribunal.]

[52][...]

(2) From every original order other than an interim order[53] [...] passed by the Collector [54][...] and appeal shall lie to the [55][Administrative Tribunal] and the orders of Administrative Tribunal on such appeal shall be final.

50.Revision.— (1) where no appeal lies under this Act, or none has been filed within the period provided for it, the Collector may, on his own motion or on an application made by an aggrieved person or on a reference made in this behalf by the Government, at any time call for the record of any inquiry or the proceedings of any Mamlatdar [56][or Tribunal] for the purpose of satisfying himself as to the legality or propriety of any order passed by and as to the regularity of the proceedings of such Mamlatdar [56] [or Tribunal] and pass such order thereon as he deems fit:

Provided that no such record shall be called for after the expiry of one year from the date of such order and no order of such Mamlatdar shall be modified, annulled or reversed unless opportunity has been give to the interested parties to appear and be heard.

[57][(2) An application for revision may be made to the Administrative Tribunal against any order, other than an interim order of the Collector, on the following grounds only:-

(a) that the order of the Collector was contrary to law;

(b) that the Collector has failed to determine some material issue of law; or

(c) that there was a substantial error in following the procedure provided by this Act, which has resulted in the miscarriage of justice.

(3) On the coming into force of the Goa, Daman and Diu Agricultural Tenancy (Amendment) Act, 1968, all revision applications pending with the Government shall stand transferred to the Administrative Tribunal and shall be disposed of by the said Administrative Tribunal as if they had been filed under sub-section (2).]

51.Extent of powers in appeal or revision.— (1) The Collector [58][or the Administrative Tribunal] in appeal or in revision, may confirm, modify or rescind the

[51] For the word "the Government" the words "the Administrative Tribunal" substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

[52] Proviso omitted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968). [53] The words "or an order in appeal or revision" omitted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

[54] The words "or by the tribunal" omitted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

[55] The word "Government" is substituted in both the places by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

[56] After the word "Mamlatdar" the words wherever it occurs "or Tribunal" inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

[56] After the word "Mamlatdar" the words wherever it occurs "or Tribunal" inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

[57] For existing sub-section (2) new sub-sections are substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

order in appeal or revision or its execution or may [59]'[remand the case for disposal with such direction as deemed fit or] pass such other order as may seem legal and just in accordance with the provisions of this Act.

(2) The orders passed in appeal or revision shall be executed in the manner provided for the execution of the orders of the Mamlatdar or the Tribunal under this Act.

52.Limitation and Court Fees.— (1) Every appeal or application for revision under this Act shall be filed within a period of sixty days from the date of the order of the Mamlatdar, Tribunal or Collector, as the case may be and the provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963, shall apply to the filing of such appeal or applica-tion for revision.

(2) Notwithstanding anything contained in the Court Fees Act, 1870 every appeal or application made under this Act to the Mamlatdar, Tribunal, Collector or the [60][Administrative Tribunal] shall bear a Court fee stamp of such value as may be prescribed.

53.Procedure.— (1) Subject to the other specific provisions in this behalf, the procedure to be followed by the Mamlatdar or the Tribunal or the Collector [61][...] in all inquiries, appeals and proceedings under this Act and in revision by the Collector [61] [...] shall be such as may be prescribed;

(2) Every decision or order passed under this Act shall be recorded in the form of an order which shall state the reasons therefor.

(3) All inquiries and proceedings before the Mamlatdar, the Tribunal, [62][and the Collector] shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

CHAPTER VII

Survey, settlement and records of rights

54.Power to make rules for survey, etc.— (1) It shall be lawful for the Government to take all measures for the survey, classification and assessment of all lands, for the preparation and maintenance of land records, including the record of rights and maps and for all other matters connected therewith or incidental thereto, in accordance with such rules as may be made in this behalf.

[58] The words "the Tribunal or Government" substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

[59] Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1975 (Act No. 18 of 1975).

[60] The word "the Government" substituted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

[61] The words "or the Government" omitted on both the places by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

[61] The words "or the Government" omitted on both the places by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968).

[62] Substituted by (Amendment) Act, 1968 (Act No. 13 of 1968).

(2) Without prejudice to the generality of the foregoing, rules may be under this Act, for:

(i) the appointment, powers and functions of revenue officers;

(ii) the grant, use and relinquishment of unoccupied land;

(iii) the survey and classification of land and the assessment and settlement of land revenue payable under any law for the time being in force;

(iv) the settlement of boundaries and the construction and maintenance of boundary marks;

(v) the preparation and maintenance of records of rights;

(vi) the realisation of land revenue or other revenue demands; and

(vii) the procedure to be followed by the revenue officers in enquiries under the rules including provisions for appeals and revision.

(3) Any such rule may be made with retrospective effect from a date nor earlier than the 19th December, 1961.

CHAPTER VIII

Miscellaneous

55.Lands held by Comunidades.— For the removal of doubts it is hereby declared [63][that the lands owned by a Comunidade shall be deemed to be owned by it as a single person and not by the individual members thereof and] that the provisions of this Act shall apply to [64][such lands] and the provisions in the Code of Comunidades or any other Decree or other law relating to Comunidades shall stand modified or repealed to the extent necessary.

56.*Exemption.*— (1) The provisions of this Act shall not apply to lands leased or held by the Government or lands granted to or for the benefit of any individual specifically for rendering any service to any religious, educational or charitable institution or for any other specific service to the public [65][ ]

(2) The Government may, by notification, exempt any class of persons from the operation of all or any of the provisions of this Act.

(3) In particular, and without prejudice to the generality of sub-section (2), the Government may grant such exemption in respect of any land which is the property of a temple, church, mosque or any other institution for public religious worship or of a trust for educational or charitable purpose, or hospital, pinjrapole or goshala, provided that the entire income of such land is appropriated for the purpose of such temple, church, mosque institution, trust, hospital, pinjrapole or goshala.

63 Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1965 (Act No. 11 of 1965).

64 Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1965 (Act No. 11 of 1965).

65 By the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968) the words "or lands vested in the Custodian under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964".were inserted. However by the Goa Administration of Evacuee Property (Amendment) Act, 1989 (Act No. 19 of 1989) same has been omitted.

(4) The Government may, by notification, reserve any area for non-agricultural purposes, or industrial development and thereupon the provisions of this Act shall cease to apply in relation to any land in such area.

(5) Any exemption which is granted by Government may be withdrawn by the Government by notification.

57.Delegation of powers.— The Government may, by notification, delegate to any officer not below the rank of a Collector, all or any of the powers conferred on Government by or under this Act subject to such conditions if any, as may be specified in the notification.

58.Bar to jurisdiction of Courts.— (1) No suit or other proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

(2) Save as provided in this Act, no Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Mamlatdar, Tribunal Collector or Government, and no order passed by these authorities under this Act shall be questioned in any Civil or Criminal Court:

66[**58A. Bar on appearance by Pleaders.—** Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under this Act before the Mamlatdar, or the Collector:

Provided that the Mamlatdar, or the Collector may, in the interests of justice and for reasons to be recorded in writing, allow the parties to be represented at their own cost by a pleader:

Provided, further, that pleader's fees shall not be allowed as part of the costs in any such proceedings:

Provided also that if any officer of Government is appointed declared by a competent court or is authorised under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such Officer shall be entitled to appear through a representative authorised by him in writing in this behalf in any proceedings before the Mamlatdar, or the Collector.

Explanation:— For the purpose of this section the expression "pleader" includes an advocate, attorney, Vakil or any other legal practitioner but does not include a representative of Farmers Association].

59.Power to give directions.— The Government shall have power to issue directions or orders to Mamlatdars, Tribunal and Collectors, to give effect to the provisions of this Act and the rules made thereunder.

66 Inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966 (Act No. 10 of 1966).

60.Penalty.— Whoever contravenes any provision of this Act or of any rules made thereunder shall on conviction by a Magistrate be punishable with a fine not exceeding five hundred rupees.

67[**60A. Offences under the Act to be cognizable and compoundable**:— Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898) —

(a) every offence under this Act shall be cognizable; and

(b) every such offence may, with the permission of the Court, be compoundable.

60B.Offences by Companies.— Where a person committing an offence under this Act is a company or other body corporate, or an association of persons (whether incorporated or not) every Director, Manager, Secretary, Agent or other Officer or person concerned with the Management thereof, shall unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence].

61.Rules.— (1) The Government may, by notification, make rules generally to carry out the purposes of this Act.

(2) All rules made under this Act shall be subject to the condition of previous publication and all rules shall be laid on the table of the Legislative Assembly after they are made and shall be subject to such modifications as the Assembly may make during the Session in which they are so laid or the session immediately following.

62.Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty.

67 Section 60A and 60B inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1966 (Act No. 10 of 1966).

Government of Goa, Daman and Diu

Secretariat

—

Notification

TNC/NTF - 1/65

In exercise of the powers conferred in sub-section (3) section (1) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby fixes 8th February, 1965 as the date on which the provisions of the said Act shall come into force in the whole of Goa, Daman and Diu.

By order and in the name of the Administration of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.

Panaji, 3rd February, 1965.

THE GOA, DAMAN AND DIU AGRICULTURAL TENANCY RULES, 1965

Planning and Development Department

—

Notification

TNC/626/65

In exercise of the powers conferred by section 61 of the Goa, Daman Diu Agricultural Tenancy Act, 1964, the Government is pleased to make the following Rules.

The Goa, Daman and Diu Agricultural Tenancy Rules, 1965

1.Short title and commencement.— (i) These Rules may be called the Goa, Daman and Diu Agricultural Tenancy Rules, 1965.

(ii) They shall come into force at once.

2.Definitions.— In these rules, unless there is anything repugnant to the subject or context:-

(a) "Act" means the Goa, Daman and Diu Agricultural Tenancy Act, 1964;

(b) "Form" means a form appended to these Rules;

(c) "Profits of Agriculture" in respect of any land means the surplus remaining with the cultivator, after the expenses of cultivation including the wages of the cultivator, working on the land are deducted from the gross produce;

(d) "Section" means a section of the Act;

(e) Words and expressions used, but not defined in these rules shall have the meanings assigned to them in the Act.

3.Time for making application to Mamlatdar under sub-section (4) of section 11.— An application for permission to terminate the tenancy under sub-section (4) of section 11 shall be made by the landlord within 90 days from the date on which the period of the notice given to the tenant under sub-section (2) of section 11 expires.

4.Form of application for recovery of arrears of rent under sub-section (2) of section 12.— An application for recovery of arrears of rent shall be made by the landlord in

Form I.

5.Manner of giving notices by the Mamlatdar or Tribunal.— Any notice, required to be given by the Mamlatdar or Tribunal under the provisions of the Act or Rules shall be issued in duplicate and served by delivering or tendering, the copy to the person therein named by sending it by registered post A. D. to his address or if such person cannot be found, then by, affixing the copy to some conspicuous place on the land, if any, to which such notice refers and to the Notice Board of the Mamlatdar's office concerned.

[1][**5-A. Manner of giving notice under section 13-A(1) and signing readiness to purchase under section 13-A(2).—** (1) A landlord intending to sell any land cultivated by a tenant shall give notice of his intention to the tenant in writing in

Form I-A. He shall serve this notice on the tenant by delivering or tendering it to him or by sending it by Registered Post acknowledgement due to his last known address. A copy of the notice shall also be sent to the Mamlatdar.

(2) On receipt of a notice under sub-section (1) of section 13-A, the tenant shall signify his readiness to purchase the land in writing in

Form I-B within 30 days of the receipt of the notice to the landlord by delivering or tendering it or by sending it by Registered Post acknowledgement due to his last known address. A copy of the letter shall also be sent to the Mamlatdar.

5-B. Manner of applying to the Collector under section 13-A (3) and manner of determining price of land under section 13-A (3).— (1) A tenant who finds that the price at which the landlord intends to sell his land is excessive, shall make an application in duplicate to the Collector under sub-section (3) of section 13-A in

Form I-C and shall present it to the Collector in person during office hours.

(2) On receipt of such application the Collector shall send a copy of the application to the landlord.

(3) The Collector shall then hold an enquiry after summoning the landlord, the tenant and their witnesses, if any, on a specified day.

(4) On the specified day or on any subsequent day to which the inquiry may be adjourned, the Collector shall take evidence of the parties and after taking into consideration the principles of assessing the market value of the land as laid down in the Land Acquisition Act, 1894, shall pass an order determining the price of the land.

5-C. Terms on which a loan may be granted under section 13-A(7).— A loan to be granted to a tenant under sub-section (7) of section 13-A shall be on the following terms, namely:—

(i) the amount of loan shall not exceed seventy five percent of the price of the land at which the tenant is buying the land;

(ii) the tenant shall mortgage the land purchased by him, with the President of India till the entire loan amount and the interest payable thereon is fully paid to the Government;

(iii) the loan shall bear an interest of nine per cent per annum and shall be repaid in ten equal or nearly equal annual instalments before such date as may be fixed by the Collector; the first instalment shall be payable on the expiry of one year from the drawal of loan;

(iv) if an instalment of loan amount and the interest due thereon is paid within the prescribed period, the tenant shall get a rebate of three percent in the rate of interest payable by him at the time of such payment:

(v) the tenant shall not be entitled to the transfer in any way his interest in the land till the loan amount and the interest due thereon is fully repaid;

(vi) if the tenant commits any default in payment of any instalment of the loan amount and the interest due thereon, the balance amount of the loan to be repaid shall become immediately recoverable and Government shall be entitled to sell the land in any manner deemed suitable by the Collector and the balance amount of the loan and the interest shall be recovered from the sale proceeds and the balance, if any, shall be handed over to the defaulting tenant.]

6.Forms of certificates under section 17 and fees therefore.— (1) The certificate to be granted by the Tribunal under sub-section (5) of section 17 shall be in

Form II, and the certificate to be granted under sub-section (6) of the said section shall be in Form III.

(2) The scale of fees payable for a certificate in

Form II or III shall be as under-—

1. When the value of the site does not exceed Rs. 2,000/- 2 per cent. of the value subject to a minimum of Rs. 2/-.

2. When the value of the site does not exceeds Rs. 2,000/-

(i) For the first Rs. 2,000/- 2'/2 per cent.

(ii) For the amount in excess of Rs. 2,000/- upto the value of Rs. 10,000/- 1 per cent.

(iii) For the amount in excess of Rs. 10,000/- 2'/2 per cent.

Any fraction of a hundred rupees of Rs. 51/- or more shall be treated as one hundred rupees and any fraction below Rs. 51/- shall be ignored for calculating the fees.

7.Form of and period for making application under Section 18.— (1) An application for possession of land or dwelling house under sub-section (1) or (2) of section 18 shall be made in Form IV.

(2) Save as otherwise provided in the Act, the period for making application under section 18 shall be two years from the date on which the right to obtain possession of the land or dwelling house, as the case may be, is deemed to have accrued to the applicant or within one year from the commencement of the Act, whichever is later.

8.Time for restoration of possession, if the landlord fails to cultivate land personally.— (1) If a landlord, who resumes any land for personal cultivation fails to cultivate the land within the period specified in sub-section (7) of section 20, he shall restore possession of the land to the tenant within three months from the date on which the above period of one year expires.

(2) The period within which tenant may apply under sub-section (8) of section 20 shall be 6 months from the date on which the period specified in sub-section (7) of that section expires.

9.Manner of apportioning rent on termination of tenancy in respect of part of land leased.— (1) For the purposes of sub-section (9) of section 20, the rent for the area remaining with the tenant shall be determined in the following manner.

(a) The rent shall be calculated at the rate fixed by the Mamlatdar, under section 24 for the village or group of villages or area in which the land is situated for the class of land to which such area belongs.

(b) If the Mamlatdar has not fixed the rate of rent under section 24 and the landlord and tenant do not agree as to the amount of the rent to be paid for such area, the landlord shall make an application in

Form V to the Mamlatdar for apportionment of the rent.

(2) On receipt of an application under sub-rule (1) (b) the Mamlatdar shall give a notice to the tenant and after holding an enquiry fix the rent of the area of the land left with the tenant after taking into consideration the following factors-viz.

a) The total area and kind of the land held by a tenant before the termination of his tenancy of a part of such land and the rent paid by him therefore;

(b) The profits of agriculture of the similar lands in the locality;

(d) The improvements made in the land by the tenant or the landlord.

10.Manner of conducting enquiries into application for possession of lands.— (1) An application shall be presented to the Mamlatdar or any other Officer authorised by him in this behalf, in person during office hours. An application need not be in any form and where the application presented to the Mamlatdar contains sufficient particulars on a subject matter which appears to fall within the scope of the Act and within his jurisdiction but does not clearly set out the relief, the Mamlatdar shall explain to the person presenting the application the nature of the relief available under the Act and shall enquire

whether the applicant desires to obtain any such relief. If the applicant expresses a desire so to obtain relief, the Mamlatdar shall record in his own hand on the application the relief asked for and thereupon the application shall be deemed to be an application under section 46.

(2) Where the application does not contain the particulars specified in section 46, or is unnecessarily prolix, the Mamlatdar shall forthwith examine the applicant on oath and ascertain from him such of the particulars specified in section 46, as are not clearly and correctly stated in the application and shall reduce the examination to writing in the form of an endorsement on an annexure to the application which shall thereupon be deemed to be part of the application. Where the applicant requires time to obtain any of the particulars specified in section 46, the Mamlatdar shall grant him such time as may under all the circumstances appear reasonable.

(3) When the application is presented and has, if necessary, been treated in the manner, specified in sub-rule (2), the Mamlatdar shall require the applicant to subscribe and verify the application in his presence in the manner following or the like effect

"I, A. B. the applicant, do declare that what is stated in this application is true to the best of my information, knowledge and belief"

(4) The Mamlatdar shall endorse the application to the effect that it was duly subscribed and verified. Where the applicant cannot write, the verification may be written for him in the presence of the Mamlatdar in office and he shall affix his mark to his name in token of the authenticity of the verification and the Mamlatdar shall in such case, record that the verification was made in his presence at the request of the applicant and that his mark was so affixed.

(5) The Mamlatdar shall reject the application,

(a) where the applicant declines to make a statement on oath under sub-rule (2); or

(b) where the applicant is willing to make or has made a statement on oath under sub-rule (2), but fails to furnish the particulars specified in section 46 within the time, fixed under sub-rule (2) or altogether; or

(c) where it appears upon the face of the application;

(i) that the property or the relief claimed is not one of the kinds specified in the Act;

(ii) that the cause of action arose at a time more than the prescribed period before the application was presented; or

(d) where the applicant declines to subscribe or verify the application, as required by sub-rule (3) or (4).

(6) Where it appears to the Mamlatdar that the subject of the application is not within his jurisdiction he shall return the application to be presented before the Mamlatdar having jurisdiction, which shall be indicated to the applicant.

(7) Where the application is admissible, the Mamlatdar shall receive and file it. He shall then fix a convenient day and place for trial of the case and shall issue, at the expense of applicant, notice in

Form VI to the opponent. He shall then require the applicant to appear with his documents, if any, and summon witnesses, if any, to appear on the day and at the place fixed.

The date to be fixed for the enquiry of the case shall not be earlier than ten days nor later than fifteen days from the day on which the notice is issued except for sufficient reason to be recorded in writing by the Mamlatdar.

The place to be fixed for the enquiry of the case may be in the Mamlatdar's office or at or near the scene of dispute or at any other spot that the Mamlatdar considers convenient to the parties.

(8) Where either party requires any witness to be summoned to appear on the day and at the place fixed, the Mamlatdar shall issue a summons in

Form VII for the purpose.

Such summons, shall be issued, in duplicate, duly signed and sealed and shall be served by delivering or tendering the copy to the person therein named or by sending it by registered post A. D. to his address or if such person cannot be found, then by affixing the copy to some conspicuous part of the place, where he ordinarily resides or carries on business and to the Notice Board of the Mamlatdar's office.

The Mamlatdar may issue after recording his reasons, in writing, a warrant in

Form VIII for the arrest of any such witness, if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

The payment of the cost incurred in thus procuring the attendance of witnesses shall be regulated in accordance with the Rules that may from time to time be in force in regard to the attendance of witnesses in subordinate Civil Courts.

(9) Where the applicant fails to attend or to produce his documents, if any, or to adopt measures to procure the attendance of his witnesses, if any, on the day and at the place fixed, the Mamlatdar shall reject the application whether the opponent appears or not unless the opponent admits the claim.

Where the applicant attends, as required by sub-rule (7), but the opponent fails to attend and the Mamlatdar is satisfied from the evidence before him that the notice has been duly served on the opponent and in sufficient time, to enable the opponent to appear and answer on the day fixed in the notice, he shall proceed to hear and decide the application *ex-parte:*

Provided firstly, that if either party satisfies the Mamlatdar at any time within thirty days from the date of the rejection of an application or of an ex-parte decision that he was prevented by some unavoidable circumstances from attending or from producing his documents or from adopting measures to procure the attendance of his witnesses, as the case may be, the Mamlatdar may issue a notice in

Form IX at the expense of the party, concerned, to the opposite party that the party concerned was prevented as alleged, he may rehear the case at such time and place, as he may then fix:

Provided secondly that nothing in the foregoing provisions shall prevent the applicant from withdrawing his application on payment of the opponent's costs.

(10) Wherein the case, mentioned in sub-rule (9) the Mamlatdar is not satisfied from the evidence before him that the notice has been duly served on the opponent and in sufficient time to enable the opponent to appear and answer on the day fixed in the notice, he shall adjourn the trial of the case and issue a fresh notice under sub-rule (7) to the opponent.

Where any witness who has been duly summoned or for whose arrest a warrant has been issued under sub-rule (8) fails to attend on the day and the place fixed the Mamlatdar may, if he considers there is sufficient reason after taking the evidence of those present, adjourn the hearing of the case, from time to time till the attendance of such witness can be enforced.

The Mamlatdar may for any other sufficient reason to be recorded, in writing, adjourn the trial of the case for such time, as he thinks fit, but not ordinarily exceeding ten days.

It shall, however, be the primary duty of the Mamlatdar not to protract the proceedings unnecessarily.

The provisions of sub-rules (8) and (9) shall apply in respect of any day to which the trial of the case may be adjourned under this sub-rule as if such day were the day originally fixed for the trial.

(11) Subject to the provisions of the Act, a minor may sue or be sued, if he is represented by a natural or duly appointed guardian or next friend.

The Mamlatdar may at any stage of the proceedings order that the name of any person to whom possession of the land or any part thereof may have been transferred or the addition of whom as a party appears necessary in order to enable the court effectually and completely to adjudicate upon the issues be added as an applicant or opponent as the circumstances of the case may require:

Provided that no person shall be added as an applicant without his consent:

Provided also that in respect of any person so added, not being a transferee pending the case, the case shall for the purposes of the Act, be deemed to have been instituted on the day, when his name was so added.

In case of the death of any party while the case is pending,

(i) If application is made within one month of such death, the Mamlatdar shall determine summarily who is the legal representative of the deceased party and subject to the provisions of the Act shall enter on record the name of such representative;

(ii) If no such application is made, the case shall abate as regards that party.

Where the Mamlatdar orders the name of any person to be added as opponent or enters on the record the name of any person as the legal representative of a deceased party, the Mamlatdar shall issue to such person a notice, as provided in sub-rule (7) and the trial shall proceed on the date fixed in such notice.

(12) On the date fixed or on any day to which the proceedings may have been adjourned the Mamlatdar shall, subject to sub-rule (9) proceed to hear all the evidence that is then and there before him and to try the relevant issues.

The Mamlatdar may after due notice to and in the presence of the parties summon and examine, as a witness, any person who has not been summoned or produced by any party and may call for and cause to be proved any document which has not been applied for or produced

by either of the parties where he considers it expedient in the interest of justice so to do, and may, if he thinks fit, make a personal inspection of the land, in dispute, in the presence of or after due notice to the parties. He shall without unnecessary delay record a memorandum after hearing the parties on the spot, if present, of the relevant facts observe at such inspection. The memorandum shall form part of the record of the case.

The Mamlatdar shall with his own hand, make or sign, a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds, and briefly record his reasons for his finding.

Where the Mamlatdar's finding upon the relevant issues is in favour of the applicant, he shall make such order not being in excess of the powers vested in him by or under the Act, as the circumstances of the case appear to him to require and where his finding is in favour of the opponent he shall dimiss the case. In either case the costs of the suit including the costs of execution, shall follow the decision.

(13) Every order of the Mamlatdar, whether for rejecting or returning an application or whether for allowing or disallowing a claim, steal be endorsed by the Mamlatdar on the application and shall be read out by him in open court, either at once or on some future day, of which due notice shall be given to the parties and brief reasons for the order shall be placed by him on record.

[2][(14) The Mamlatdar shall dispose of the application within period of one year from the date of service of the notice to the other party.]

11.Ascertainment of the gross produce.— The gross produce of a land shall be determined under section 23 (2) (iii) with reference to the average yield notified by the Mamlatdar in respect of each of the principal crops in the area on the basis of the actual crop cutting experiments undertaken by the Mamlatdar or any officer of Government or by both in that year in or near that local area:

Provided that in the case in which the landlord and the tenant have agreed to a quantity to be the actual yield of land, and if such yield is less than the gross produce determined as above, then such agreed actual yield shall be deemed to be the gross produce.

12. Penalty under section 25 for the recovery of rent in contravention of the provisions of section 23 or 24.— Any landlord who recovers rent from his tenant in contravention of the provisions of section 23 or 24 shall be liable to pay by way of penalty to the tenant a sum of money not exceeding twice the excess amount of rent recovered by the landlord from such tenant, the actual penalty being such amount as the Mamlatdar may determine, having regard to all the circumstances of the case.

[2] Sub rule (14) inserted by (Amendment) Rules, 2000 (O. G. Series I, No. 8 dated 25-5-2000).

[3]**[12A.The conditions and the manner in which contributions towards the cost of repairs to bunds shall be made by Government.— (1)** The contribution towards the cost of repairs to breaches in the bunds protecting a khazan or kher land, payable under the proviso to sub-section (3) of section 26 may be paid by the Government if the following conditions are satisfied:

(a) The bund protecting the khazan or kher land is notified by Government under the proviso to sub-section (3) of section 26 as a protective bund;]

[4][(b)*]

[5][(c) The Director of Agriculture, Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation certifies that the repairs have been carried out satisfactorily;

(d) The Director of Agriculture, Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation certifies the cost of repairs;].

[6][(1A) The Government's contribution towards the cost of repairs to breaches in the protective bunds shall be to the extent of fifty percent of the cost of repairs subject to the maximum of [7][6,000/-] per hectare of the protected area].

(2) For the purpose of getting the contribution from the Government towards the cost of repairs to breaches in the bund under the proviso to sub-section (3) of section 26, the person, group of persons or Co-operative Society, which has undertaken the work of repairs to breaches in the bund, shall submit an application to the Mamlatdar stating therein:

i) the name and address of the applicants;

ii) the name, if any, and the location of the bund;

iii) the total area of the lands benefitted by the bund;

iv) the names and addresses, of the persons, if any, other than the applicants, who have contributed to the cost of repairs to breaches in the bund;

v) the total length of the bund which was repaired;

vi) the date on which the work of repairs was commenced and the date on which it was completed;

vii) brief description of the work done and the materials, if any, used for the repairs;

[3] Rule 12A. inserted vide (Fifth Amendment) Rules 1968 published in O.G. Series I No. 28 dtd. 10-10-1968.

[4] Original Clause (b) substituted by Amendment Rules 1974, subsequently by xth Amendment Rules 1976 same has been omitted.

[5] Sub-clauses (c) and (d) have been substituted by Seventh Amendment Rules, 1970 (Government Gazette, Series I No. 7 dated 14-5-1970).

[7] These figures have been substituted for the figures "3.000" by Amendment Rules, 1992 [Official Gazette, Series I No. 15 dated 13-7-1992 (Extraordinary 4)] Earlier they have been amended by Amendment Rules, 1981 O. G. Series I No. 10 dated 4-6-1984.

viii) the name and address of the contractor, if any, who did the work of repairs and the amount paid to him;

ix) the total cost of repairs to breaches in the bund;

x) the cost per hectare of the land benefitted by the work of repairs.

[8][(3) The application under sub-rule (2) should be accompanied by the following documents;

i) A certificate from the Director of Agriculture, Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation certifying the cost of repairs, and

ii) A certificate from the Director of Agriculture, Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation certifying that the work of repairs has been done satisfactorily.]

(4) On receipt of the application, the Mamlatdar shall issue a public notice in

Form X-A and invite the person (s) interested in the bund or the lands benefitted by the repairs to the land, to submit to him within thirty days from the date of publication of the public notice, objections if any, to the payment by Government under the proviso to sub-section (3) of section 26, of a part of the cost of the repairs to breaches in the bund, to the applicants.

(5) The Public notice shall be published on the notice board in the offices of the Mamlatdar and the Village Panchayat concerned and also affixed at a prominent place on the bund or the lands benefitted by the bund.

(6) After the expiry of the period of thirty days, referred to in sub-rule (5), the Mamlatdar shall consider the objections, if any, received by him and after holding such enquiry as he deems necessary, certify—

i) the person (s) or Co-operative Society which has/have undertaken the work of repairs to breaches in the bund;

ii) the total cost of repairs;

iii) the amount of contribution towards the cost of repairs which is payable by Government under the proviso to sub-section (3) of section 26;

iv) the names and addresses of persons to whom the payment is to be made;

9[and send the proceedings along with the certificate to the Director of Agriculture, Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation for making payment of the contribution by Government].

9 These words have been substituted by Seventh Amendment Rules, 1970 published in the Government Gazette, Series I No. 7 dated 14-5-2970.

(7) On receipt of the proceedings and the certificate, 10[the Director of Agriculture, Goa, Daman and Diu, Panaji, or the Head of the Government Department in charge of Soil Conservation] shall arrange to pay the amount of the contribution to the recipients mentioned in the certificate.

(8) Where the work of repairs to breaches in a bund is entrusted by the Mamlatdar under sub-section (3A) of section 26 (3) 11[to the Director of Agriculture of the Government of Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation shall] after the work is completed, send to the Mamlatdar a certificate giving therein—

i) the name, if any, and the location of the bund;

ii) the particulars of the lands benefitted by the bund;

iii) the total cost of repairs to breaches in the bund; and

iv) such other infomation as he deems necessary.

iii) the total cost of repairs to breaches in the bund; and

iv) such other information as he deems necessary.

(9) On receipt of a certificate, the Mamlatdar shall decide the total amount of contribution payable by Government under the proviso to sub-section (3) of section 26 and the balance amount of cost of repairs of breaches in bund, which is payable by the persons benefitted by the work of repairs 12[to the Director of Agriculture, Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation.]

(10) The balance amount of the cost of repairs determined under sub-rule (9) shall be distributed by the Mamlatdar over all the lands benefitted by the repairs to breaches in the bund, in proportion to the area of land held in actual possession by each person, whether as owner or tenant. The amount so distributed on a land shall be payable as follows:

(a) where the land is in actual possession of a landowner, the entire amount payable in respect of the land shall be payable by the landowner;

b) where the land is in actual possession of a tenant, the tenant shall be liable to pay five-sixths of the amount payable in respect of the land and the landlord shall be liable to pay the balance amount of one-sixth.

(11) The amount payable by a landowner, landlord or tenant shall be recovered by the Mamlatdar in ten equal or nearly equal annual instalments. The first instalment shall be paid before the 31st December of the year in which crops are raised for the first time after the completion of the work of repairs. The subsequent instalments shall be recovered before the 31st December of the year following.

(12) Interest at the rate of six per cent per annum shall be payable on the installment paid after the period specified in sub-rule (11).

[10] Substituted by Seventh Amendment Rules, 1970.

[11] These words have been substituted by Seventh (Amendment) Rules, 1970 published in the Government Gazette, Series I No. 7 dated 14-5-1970.

[12] These words have been substituted by Seventh (Amendment) Rules, 1970 published in the Government Gazette, Series I No. 7 dated 14-5-1970.

[13][(13) The duties being discharged by the Mamlatdar, other than those cases in which recovery aspects are to be processed through the Mamlatdars, may also be discharged by the Director of Agriculture, Government of Goa, Daman and Diu or the Head of the Government Department-in-charge of the Soil Conservation Division].

13. Form of receipt for rent and manner of giving such receipt.— A receipt to be given under sub-section (2) of section 30 for the rent received in respect of any land shall be in

Form X.

The receipt shall be given in the language known to the tenant or his authorised agent, who shall sign on a copy thereof in acknowledgement of the correctness of the particulars.

14. Application for determination of compensation for improvements made by tenants.— An application for determination of compensation for improvements made on the land by a tenant under sub-section (1) of section 32 shall be in

Form XI.

15. Manner of making enquiry and publication of notice under section 36.— (1) Before issuing a notification under sub-section (1) of section 36, a notice shall be issued to the landlord and to the persons in actual possession or occupation of the land in respect of which the declaration under that sub-section is contemplated, directing him to show cause why such declaration should not be made. In that notice, brief reasons for the contemplated action shall be given.

(2) If it appears that the land has remained uncultivated through default of any tenant such notice shall also be given to such tenant.

(3) The notice shall be published in the Official Gazette and a copy of the notice shall be affixed on the Notice Board of the Mamlatdar's office concerned.

(4) The Landlord or the tenant shall be at liberty to adduce any oral or documentary evidence that he may desire in support of his objections. He shall also be heard in person or through pleader if he so desires.

(5) At the conclusion of the enquiry an order shall be passed giving reasons for the final decision and the substance of such order shall also be published in the Official Gazette.

(6) The notice under proviso to clause (b) of sub-section (3) of section 36 shall be published in the Official Gazette and copies of such notice shall also be affixed to the Notice Board of the Mamlatdar office concerned.

[14][**15-A. Regulation of standards of efficient cultivation and mat agement.—** (1) On the proposal of the Director of Agriculture, the Government shall issue from time to time before and during a cultivation season, directions on the following matters, for being implemented and followed by the tenants in cultivating the land held by them.]

[13] Inserted by Tenth Amendment Rules, 1975 published in the Official Gazette, Series I No. 41 dated 8-1-1976. [14] Rule 15A inserted by Eighth Amendment Rules, 1971 published in the Official Gazette, Series I No. 19 dated 5-8-1971.

(i) The manner in which and the period during which land used for cultivation of paddy and other crops should be levelled and the inner bunds constructed:

(ii) The manner in which and the period during which land used for cultivation of paddy and other crops should be plougher horrowed and puddled;

(iii) The manner in which and the period during which land used for cultivation should be freed of weeds, shrubs and other parasites growing therein;

(iv) The variety of seeds which should be used for the purpose of sowing in different classes of land;

(v) The manner in which the seeds before being sown should be treated for protecting them against pests and diseases;

(vi) The dates on which irrigation tanks, weirs and bandhara should be closed and the dates on which they should be opened to allow water for irrigation and the person who shall be responsibly for the aforesaid operations;

(vii) The manner in which irrigation and drainage channel should be constructed and maintained in good working condition and the time limit within which it should be done;

(viii) Prohibition of cultivation of beds of channels;

(ix) The crops which should be raised and the crops which should not be raised on the bunds and embankments during the kharif season and the manner in which the bunds should be cleared of these crops after the harvest is over;

(x) The manner in which and the period for which saline water should be allowed to be stored in khazan lands.

(2) The Government shall, also from time to time, by notification in the Official Gazette, issue on the advice of the Director of Agriculture directions about (a) the programmes of agricultural operations for cultivation of various crops which should be undertaken by the tenants during each cultivating season in the local area mentioned in such Notification. Such programmes shall be prepared separately for each type of crop; and

(b) the terms of employment and the minimum wages which shall be payable to the agricultural labourers, both male and female, for carrying out different cultivating operations in different local areas. While proposing these rates the Government shall consult the Director of Agriculture, the Block Development Officers, the Labour Commissioner and the Village Panchayats, within the area concerned [15][...].

(3) The directive issued by the Government under sub-rules (1) and (2) shall be given publicity in the respective villages to which they apply by exhibiting these directives on the notice board of the Village Panchayat and at other prominent places in the village, such as temple, church, office of the Comunidade, etc. The directives shall also be given publicity by beat of drums by the Village Panchayat.

[15] The words "such directions shall remain in force for a period of five years from the date of such direction" have been deleted by Tenth Amendment Rules, 1975 published in the Official Gazette, Series I No. 41 dated 8-1-1976.

(4) The Block Development Officers and the Village Panchayats shall be responsible for ensuring the proper implementation of the directives issued by the Government under this rule.

(5) The Sarpanch of the Village Panchayat shall, suo moto, or on a complaint being made to him by any person in writing or orally about the non-observance of any of the directives issued by the Government under this Rule, immediately cause a Panchanama to be made on the site about the default committed by the tenant. The Panchanama should be made with the help of atleast three independent Panchas and the tenant concerned should be called upon to be present for the Panchanama. If the tenant fails to remain present in spite of the intimation being given to him, the fact should be recorded in the Panchanama.

(6) The Sarpanch shall then forward the Panchanama to the Mamlatdar who shall after giving an opportunity to the tenant to be heard in the matter and after making such further enquiries, if any in this behalf, pass order as he deems fit in accordance with the provisions of sub-section (4) of section 37 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964].

16.Principles for fixation of rent under sub-sections (2) and (3) of section 38.— The Tribunal shall have due regard to the following factors while fixing annual rent under sub-sections (2) and (3) of section 38.

(i) Value of any service or contribution made towards construction of the sluice gate etc. by—

(a) The landlord or any other person, in whom the right to operate the sluice gate etc. was vested;

(b) The tenant or tenants individually as the case may be;

(ii) The charges, incurred annually by the tenant or tenants individually for maintenance of the sluice gate or other such contrivance and connected bunds or embankments.

(iii) The increase in the annual profits of agriculture in respect of the land and the value of other benefits derived by the tenants individually from the sluice gate etc.

(iv) The income from the fisheries, if any, derived by the landlord or other person immediately before the commencement of the Act or the additional benefit which accrued to the tenant.

17.Application for construction of water course.— An application under section 39 for the construction of a water course through the land belonging to a neighbouring holder shall be made in

Form XII.

18.Period for execution of agreement and the form of agreement.— (l) After the Mamlatdar has passed an order under sub-section (2) of section 39 directing the neighbouring holder to permit the applicant to construct water course, the applicant shall execute the agreement under clause (vi) of sub-section (2) of section 39 within three months from the date of such order.

(2) Such agreement shall be in Form XIII.

19.Qualifications of the members and the Chairman and constitution of the Tribunal.— (1) The Chairman and members of the Tribunal shall be appointed by the Government and the appointment shall be notified in the Official Gazette.

(2) The Chairman of the Tribunal shall be a person who is holding or has held a judicial office not lower in rank than that of a Civil Judge or who is qualified to hold that office or who is or has been a legal adviser to the Government of any State or Union Territory or the Central Government for a period of not less than five years.

(3) The other members shall be persons who have experience of not less than five years in administration of law.

20.Applicant to supply more copies of application.— When an application under section 46, or under sub-rule (9) of Rule 10 is made, the applicant shall forward along with the original application as many true copies thereof as there are opponents act shall also furnish the same number of copies of notices filled in as far as practicable.

21.Manner of execution of orders under section 48 of the Mamlatdar or the Tribunal or the Collector awarding or restoring possession.— (1) Where the order is for awarding or restoring possession, the Mamlatdar shall give effect thereto by issuing such orders to the village officer or to any subordinate under his control or otherwise as he thinks fit:

Provided that where at the time when an order is recorded for awarding possession of any land, there is a crop on such land, which has been sown by or at the expense of the opponent and the Mamlatdar is satisfied that it has been so sown in good faith, the Mamlatdar may and if the opponent makes an application for the purpose and furnishes sufficient security or deposits a sufficient sum for the payment of the costs of the case shall pass an order staying delivery of possession of such land to the applicant seeking possession thereof, either —

(a) Until the applicant agrees to take the crop at a valuation to be made under the orders of the Mamlatdar according to the value of the crop at such time, including any instalments of the Government assessment which the opponent may have paid for the current year; or

(b) Where the applicant is not willing to take the crop at such valuation, until after the expiration of sufficient time for the crop to be gathered by the opponent.

The amount of any valuation made under clause (a) of the above proviso shall be paid to the opponent through the Mamlatdar:

Provided that no order shall be executed till the expiry of the period of appeal.

(2) Where the Mamlatdar or Tribunal or the Collector awards costs, such costs together with the costs of execution shall be recoverable from the party as arrears of land revenue.

[16]**[22*]**

23.Court fees.—(1) Every application made to the Mamlatdar or Tribunal under the Act shall bear Court fee stamps of sixty five paisa and every memorandum of an appeal

[16] Rule 22 was deleted by Second Amendment Rules, 1966 published in the Government Gazette, Series I No. 27 dated 6-10-1966.

or an application under the Act made to the Collector, or every memorandum of an appeal made to the Tribunal shall bear Court fee stamps of two rupees.

[17][(1A) Every appeal or revision application made to the [18][Administrative Tribunal] under the Act shall bear a Court Fee Stamp of Rs. 5];

(2) Every application made under the Act to the Collector or the Tribunal [19][or the Administrative Tribunal] for the stay of the execution of any Award or Order against which an appeal or application is made shall bear Court fee stamps of sixty five paisa:

Provided that when an application or appeal is made by a member of a scheduled caste, specified in Part III of the schedule to the Constitution (Scheduled Castes) Order, 1950 or of a scheduled tribe specified in Part III of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 living in an area, notified by Government as backward area, the value of the Court fee stamps payable shall be fifty paise in lieu of sixty five paise, one rupee in lieu of two rupees [20][and two rupees and fifty paise in lieu of five rupees] respectively mentioned above.

[21][24. The Tribunal shall in any application, appeal or other proceeding filed before it have all the powers which are vested in a Civil Court under the Code of Civil Procedure 1908].

[18] These words were substituted for the word "Government" by Sixth Amendment Rules, 1969 (Government Gazette, Series I No. 34 dated 20-11-1969).

[19] These words were substituted for the word "Government" was earlier inserted by Fourth Amendment Rules, 1966. [20] Inserted by Fourth Amendment Rules, 1966 (Government Gazette, Series I No. 28 dated 13-10-1967).

[21] Rule-24 was inserted by First Amendment Rule, 1966 thereafter substituted by Third Amendment Rules, 1966 (Government Gazette, Series I No. 18 dated 3-8-1967).

FORM I

(*See* Rule 4)

Application for recovery of arrears of rent under section 12(2) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

To

The Mamlatdar of ..... Name of the applicant .....

Age ..... Profession .....Place of residence..... Name of the opponent.....

Age ..... Profession ..... place of residence .....

Sir,

I do hereby state that I am the landlord and the opponent is my tenant in respect of the following lands.

Taluka	Village	Survey description	Assessment

The opponent is in arrears of the rent from the following years.

Year	Rent payable	Rent actually received so far	Rent in arrears

The total rent in arrears with the opponent for the above years is ... I request you to direct the opponent that above said arrears of rent together with the cost of the proceedings should be paid to me within the stipulated time under section 12 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

I enclose the following documents.

(Here give a list of documents)

1... 2...
3... 4...

---

following are my witnesses, They may be summoned The attend on the day of the hearing. Place... will be produced to

Date...

Place…

Yours faithfully,
Signature of applicant

[22]FORM I-A

(*See* Rule 5-A)

Address:
Date:

Notice under section 13-A(1) of the Goa, Daman and Diu Agricultural Tenancy Act To,
Shri/Shrimati
Sir/Madam

I am the landlord of the land described below which is being cultivated by you as tenant:

Description of the land

Name of the Village	Name of field	Survey number, if any	Boundaries	Area

I intend to sell this land for Rs.....

As you are the tenant cultivating the aforesaid land you have the right of first purchase under sub-section (1) of section 13-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964. In pursuance of the provisions of sub-section (1) of section 13-A of the said Act, I hereby give notice to you to state within ninety days of the receipt of this notice by you, whether you are willing to buy the aforesaid land from me at the aforesaid price of Rs...

You should convey your willingness to buy the land in writing in the manner prescribed under Rule 5A(2) of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965. If you fail to do so, I shall be free to sell the said land to any one at a price not lesser than the specified price.

If you feel that the price quoted by me is excessive, it is open to you to apply to the Collector under sub-section (3) of section 13-A of the said Act, in the manner prescribed in Rule 5B of the said Rules for determining the price of the said land.

Yours faithfully,
Signature of the landlord Copy

forwarded with compliments to the Mamlatdar of.… for infomation.

FORM I-B

(*See* Rule 5-A)

Address:

Date:

To

Shri/Smt.

Sir/Madam

I am in receipt of your notice dated … which was received by me on …. and I ……..... *hereby convey my rediness to purchase the land specified in the aforesaid notice at the price of Rs. ….. as specified by you:

……*hereby convey my readiness to purchase the land specified in the aforesaid notice. However, as I find that the price of Rs. …. specified by you for the land.

Is excessive, I am applying / Have applied ……. To The Collector of Goa / Deputy Collector …….. Sub-division under sub-section (3) of section 13-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 for determining the price of the land.

Yours faithfully,

Signature of the tenant

Copy forwarded with compliments to the Mamlatdar of …. for information. *Strike out the para which is not applicable.

FORM I-C

[*See* Rule 5-B(1)] To,

The Collector of …….
Name of the applicant ……
Age …… Address …….
Name of the opponent ……
Age ……. Address …….

Sir,

I am the tenant and the opponent is the landlord of the following land :

Taluka	Village	Name of field	Survey No., if any	Boundaries

The opponent has served on me on …….. a notice under sub-section (1) of section 13-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, intimating his intention to sell the aforesaid land for Rs……

I am willing to pay the land,— However, I consider the price of the land quoted by the landlord to be excessive for the following reasons:—

(Here mention briefly the reasons why the price is excessive).

I, therefore hereby apply to you under sub-section (3) of section 13-A of the said Act to determine the price of the said land.

Yours faithfully,

Signature of the Applicant

FORM II

(*See* Rule 6)

Certificate of transfer under section 17 (5) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

Whereas Shri ... is in occupation of the house site, specified below belonging to Shri …. and whereas, under the provisions of sub-section (5) of section 17 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 the tribunal, having determined the market value of the site, required the above said Shri .. to deposit an amount of Rs. .. (in words) ……... for the transfer of the said site to him and whereas he has deposited the above said amount.

It is hereby certified that the said site shall be deemed to have been transferred to Shri…. Under the provision of sub-section (5) of section 17 of the said Act.

Description of the house site

Taluka	Village	Survey description	Area	Boundaries

Place ……

Date …..

Chairman of the Tribunal

FORM III

(*See* Rule 6)

Certificate of transfer under section 17 (6) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

Whereas Shri ... is in occupation of the house site, specified below belonging to Shri ... and whereas, under the provisions of sub-section (6) of section 17 of the

The former

…….…….. has Goa, Daman and Diu

Agricultural Tenancy Act, 1964 the later

…….……

both have jointly applied to

the Tribunal for a certificate; and whereas, the value of the land has been agreed to between them at Rs. ….. (in words) ….. and has been paid by the said Shri ….. to Shri …..

It is hereby certified that the said site shall be deemed to have been transferred to Shri... under the provisions of sub-section (6) of section 17 of the said Act and the value agreed upon shall be deemed to be the market value determined by the Tribunal for the purpose of sub-section (5) of section 17 of the said Act.

Description of the house site

Taluka	Village	Survey description	Area	Boundaries

Place .....

Date .....

Chairman of the Tribunal

Agricultural Tenancy Act & Rules

FORM IV

(*See* Rule 7)

Application for possession under section 18 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964

To
The Mamlatdar of .....

Name of the applicant .....
Age ..... Profession ..... Place of residence .....
Name of the opponent .....
Age ….. Profession ..... Place of residence .....

Sir,

I do hereby state that I am entitled to the possession in the property the following circumstances:

Taluka	Village	Survey description	Area	Assessment		Name of landlord
				Rs.	Ps.	

(Here state the circumstances in full including the date from which the right to obtain possession occurred).

The property is at present in the possession of the opponent. I apply that possession of the property be handed over to me at an early date.

(In case of persons governed by section 8). I agree to become a tenant on the same terms and conditions, as existed before my eviction and as modified the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 and to pay to the landlord the arrears of rent, if any due from me under the terms of my tenancy or give sufficient security therefor.

I enclose the following documents:

(Here give a list of documents)

1... 2 ...
3... 4 ...

The following are my witnesses. They may be summoned / will be produced to attend on the day of the hearing.

Place ..... Yours faithfully,

Date ..... Signature of the landlord

FORM V

(*See* Rule 9)

Application for apportionment of rent under section 29(9) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964

To
The Mamlatdar of ……
Name of applicant ……
Age ….. Profession ……..... Place of residence …… Name of opponent …….
Age ……. Profession …… Place of residence …….

Sir,

I am the landlord of the following lands:

Taluka	Village	Survey description	Area	Assessment

The opponent was the tenant of these lands and was paying the following rent for these lands:

(Here give details of rent)

I have terminated his tenancy in respect of the following lands under section 20 and obtained their possession under an order of the Mamlatdar under section 18(2)

Taluka	Village	Survey description	Area	Assessment

The opponent has thus now in his possession the following of my lands—

Taluka	Village	Survey description	Area	Assessment

I am prepared to accept the following rent for the above land remaining in his Possession.

(Here give the rent acceptable)

I request you to apportion the rent payable for the above land in his possession.

I enclose the following documents–
(Here give a list of documents).

The following are my witnesses. They …… may be summoned / will be produced to attend on the day of the hearing.

Place .....

Date .....

Yours faithfully,

Signature of the landlord

FORM VI

(Rule 10)

Notice to be issued to the opponent under Sub-Rule (7) of Rule 10 of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965

(Seal of the Court)

No. of the case …..

In the Court of the Mamlatdar of ...

Applicant

Opponent

To
Opponent (name, age, profession and place of residence)

Whereas here enter the name, age, profession and place of residence of the applicant) has made an application in the Court against you, a copy of which is attached hereto.

You are hereby summoned to appear in this Court at the Village of ….. in person or by duly authorized agent on the ….. day of ….. at …..O'clock to answer the above named applicant and as the application will be finally disposed of on that day, you must adopt measures to produce your documents and procure the attendance of your witnesses at the hour and place above-fixed; and you are hereby required to take notice that in default of such appearance at the above mentioned time and place the case will be heard and determined in the absence of yourself and your agent.

Give under my hand and the seal of the Court.

Dated this …. Day of…. 19….. Mamlatdar

Note:— If you require your witnesses to be summoned by the Court, you should make an application to that effect to the Court without delay, so as to allow of the service of the summons a reasonable time before the within mentioned date.

FORM VII

(Rule 10)

Summons to be issued to a witness under Sub-Rule (8) of Rule 10 of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965

(Seal of the Court)

No. of the case ...

In the Court of the Mamlatdar of ...

Applicant

Opponent of To

(Name, age, profession and place of residence of witness)

Whereas (here enter the name, age, profession and place of residence of the applicant) has made an application in this Court against (here enter the name, age, profession and place of residence of the opponent).

(Here state the particulars of the application) and whereas your attendance is required to give evidence in the above case. You are hereby summoned to appear in this Court at the Village of ..... in person on the day ...of ... at ... o'clock to give your evidence and to bring with you (here give the name of the document(s), the witness is required to produce).

You are hereby required to take notice that in default of such appearance at the above mentioned time and place without reasonable excuse, you shall be subject to the consequences of non-attendance laid down in Rule 2 of order XVI of the Code of Civil Procedure, 1908.

Given under my hand and the seal of the Court.

Dated this ... day of ... 19...

Mamlatdar

Note:- If you are summoned only to produce a document and not to give evidence you shall be deemed to have complied with the summons, if you cause the document to be produced as aforesaid.

FORM VIII

(Rule 10)

Warrant of arrest to be issued in respect of a witness under Sub-Rule (8) of Rule 10 of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965

(Seal of the Court) No. of the case ...

In the Court of the Mamlatdar of .....

Applicant
Opponent

To

Whereas (here give the name, age, profession and place of residence of the witness) has failed to appear in the Court in obedience to the summons issued by this Court, which summons were duly served on him, and no reasonable excuse for such failure has been offered by him, you are hereby ordered to arrest the said ... and to produce him before this Court on or before .....

Given under my hand and the seal of the Court.

Dated this ... day of ... 19 ...

Mamlatdar

Note:- If the said ... gives a personal bond of Rs ... with one surety for the like amount to attend before this Court on the ... day of ...19 ... he may be released forthwith.

Mamlatdar Dated

.....

FORM IX

(Rule 10)

Notice to be issued under Sub-Rule (9) of Rule 10 of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965

(Seal of the Court)

No. of the case ...

In the Court of the Mamlatdar of .....

Applicant

Opponent

To

The applicant or opponent as the case may be.

Whereas in the case above specified instituted in this Court the Court ordered on the …... day of applicant ..... that ..... and the ———— has, on the day of ….. applied to this Court to rehear the case, on opponent the grounds specified in the application a copy of which is attached.

This is to give you notice that the said application will be heard and determined on the day of ... at ... o'clock at the village of ... and you are hereby required to take notice that in default of your appearance personally or by agent at the said time and place, the application will be heard and determined in your absence and if granted, a time and place for rehearing the case will then be fixed.

Given under my hand and the seal of the Court.

Dated this ..... day of ..... 19....

Mamlatdar

FORM X

(*See* Rule 13)

Form of receipt

Taluka	Village	Survey description of the field	Area	Name of the field, if any	Name of the tenant	Rent payable	Rent actually recovered	Total rent recovered during the year		Taluka	Village	Survey description of the field	Area	Name of the field	Name of the tenant, if any	Rent payable	Rent actually recovered	Total rent recovered during the year
1	2	3	4	5	6	7	8	9		1	2	3	4	5	6	7	8	9

For the current year..... For the current year ..... For the arrears ..... For the arrears .....

Received today the rent specified in Col. 8 from Shri .....

Signature of landlord

Received today the rent specified in Col. 8 from Shri .....

Signature of landlord or

or his authorised agent. his authorised agent.

Signature or thumb mark of tenant

or his authorised agent.

FORM X-A

[*See* Rule 12A(3)]

Public Notice

Whereas the person(s)/Co-operative Society mentioned below has/have submitted to me an application under sub-rule (2) of Rule 12-A of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, for the purpose of getting from the Government under the proviso to sub-section (3) of section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the contribution towards the cost of repairs to breaches in the bunds specified in the schedule hereto:

(here specify the names of the applicants)

And whereas it has been stated by them in the said application that the total cost of repairs to the aforesaid bund which was undertaken by them during the period from ..... to ..... was Rs..... and that the same has been paid for by the applicants and the following persons:

(here specify the names of persons other than the applicants who have paid towards the cost of repairs).

Now, therefore, I, Mamlatdar of ..... hereby call upon all persons who are interested in the said bund and the lands benefitted by the said repairs to the bund to inform me in writing before ..... whether they have any objection to the Government making any payment to applicants of the contribution which the Government may decide to pay under the proviso to sub-section (3) of section 26 of the said Act.

SCHEDULE

Name of bund	Names of the fields benefitted by the repairs to the bund. ...

Place:
Date: Mamlatdar of .....

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[23]FORM XI

(*See* Rule 14)

Application for determination of compensation under section 32(1) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964

To

The Chairman of the Tribunal ....

Name of the applicant ...

Age ... Profession ... Place of residence ...

Name of the opponent ...

Age ... Profession ... Place of residence ...

Sir,

I am the tenant and the opponent is the landlord of the following land...

Taluka	Village	Survey description	Area	Assessment

[23] Inserted by Fifth Amendment.

My tenancy has been terminated by the landlord under the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

I have made the following improvements on the said land.

(Here give details of the improvements made)

I request that improvements made by me and their value should be ascertained and the compensation payable by the opponent for these improvements assessed and paid to me.

I enclosed the following documents

(Here give a list of documents)

1 …… 2 ……

3 …… 4 ……

The following are my witnesses. They may be summoned / will be produced to attend on the day of the hearing.

Yours faithfully,

Signature of the applicant.

FORM XII

(*See* Rule 17)

Application to the Mamlatdar for construction of water course under section 30(1) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964

To
The Mamlatdar of …….…....
Name of the applicant ……..…..
Age ... Profession ..... Place of residence ...
Name of the opponent ...
Age ... Profession ... Place of residence ...

Sir,

I am the holder of the following lands:-

Taluka	Village	Survey description	Assessment	Name of landlord

I am entitled to take water for cultivating my land from the following source of water.

(Here give the particulars of the source of water)

For taking this water it is necessary to construct a water course through the following land which is in the possession of or belong to the opponent.

Taluka	Village	Survey description	Assessment	Name of landlord

The construction of the water course is necessary for the full and efficient use of my land for agriculture.

I enclose the following documents—

(Here give a list of documents)

I, therefore, request that the opponent may be directed to permit me to construct the water course through the said land.

Place …. Yours faithfully, Date ….

Signature of the applicant.

FORM XIII

(*See* Rule 18)

Agreement for constructing a water course under section 39 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964

This agreement made the …… day of……. one thousand nine hundred and between Shri ... (hereinafter called the "Applicant"), (which expression shall unless the context does not so admit, include the heirs, executors, administrators and assigns) of the one part and Shri ... of ... (hereinafter called the "neighbouring holder") (which expression shall, unless the context does not so admit, include his heirs, executors, administrators and assigns) of the other part.

Whereas the lands described in the First Schedule hereto is _____ (in possession of / belongs to) the applicant.

And whereas the applicant desires to construct water course through the land described in the Second Schedule hereto and is _____ (in possession of / belongs to) the neighbouring holder for the purpose of taking water for cultivating the applicant's said land.

And whereas the applicant applied to the Mamlatdar of ……. under sub-section (1) of section 39 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 for permission to construct such water course.

And whereas by an order dated the ... made under the said section (copy of which is set out in the Third Schedule here under-written) the Mamlatdar has decided that.

(1) The neighbouring holder shall permit the applicant to construct water course through the neighbouring holder's said land on the conditions specified in the said order and

(2) The applicant shall pay to the neighbouring holder

(i) Rs. ... as compensation for damage caused to the neighbouring holders said land by reason of construction of water course injuriously affecting such land and

(ii)Rs..... as annual rent.

And whereas it is provided in clause (vi) of sub-section (2) of section 39 of the said Act read with Rule 18 of Goa, Daman and Diu Agricultural Tenancy Rules, 1965 that the applicant shall execute an agreement in favour of the neighbouring holder within three months of the Mamlatdar's said order.

Now, therefore, the applicant doth hereby agree that he shall duly and punctually pay to the neighbouring holder the said compensation and annual rent on the date on which the same become due and payable under the said order and shall duly observe and perform all other conditions specified in the Mamlatdar's said order.

In witness whereof Shri ..... has set his hand hereto the day and year first above written.

Signed and delivered by in the presence of

1.

2.

Signature of the applicant First Schedule

Second Schedule

Third Schedule.

By order and in the name of the Administrator of Goa, Daman and Diu. *D. V. Sawant,* Deputy Secretary (P.W.D. and Health).

Panjim, 25th February, 1965.

Agricultural Tenancy (Revenue Survey and Record of Rights) Rules, 1967

Revenue Department

Notification

RD/TNC/RLS/415/67

In exercise of the powers conferred by Sections 54 and 61 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government is pleased to make the following rules. The same having been previously published in the Government Gazette, No. 40 Series I dated 4th January, 1968.

CHAPTER I

Preliminary

1.Short title and commencement.—(1) These Rules may be called the Goa, Daman and Diu Agricultural Tenancy (Revenue Survey and Record of Rights) Rules, 1967.

(2) They shall come into force at once.

2.Definitions.—(1) In these Rules, unless there is anything repugnant in the subject or context—

(a) "Act" means the Goa, Daman and Diu Agricultural Tenancy Act, 1964;

(b) "boundary mark" means any erection, whether of earth, stone or other material and also any hedge, unploughed ridge, or strip of ground, or other object whether natural or artificial setup, employed, or specified by a survey officer or revenue officer having authority in that behalf, in order to designate the boundary of any division of land;

(c) "class of land" means any of the following classes of land, namely, dry crop, rice, garden land or non-arable land;

(d)"Collector" shall mean and include the Collector of the District of Goa, Collector of the District of Daman and the Civil Administrator of the District of Diu;

(e)"form" means a form appended to these rules;

(f)"Government lessee" means and includes a person holding land from the Government on emphytensis or provisional concession;

(g)"holder" means a person lawfully in possession of land, whether such possession is actual or not.

(h)"holding" means a portion of land held by a holder;

(i)"survey marks" means for the purposes of these rules, a mark erected for purposes of cadastral survey of land;

(j)"survey number" means a portion of land of which the area and assessment are separately entered, under an indicative number in the land records;

(k)"village" means a village as constituted under clause (a) of sub-rule (1) of rule 7.

2. Words and expressions used but not defined in these rules, shall have the meanings assigned to them in the Act.

CHAPTER II

Revenue Survey of Land

3.Revenue Survey.— The operation carried out in accordance with the provisions of these Rules in order to admeasure land and for the preparation and preservation of record of rights connected therewith or for any other similar purpose in any local area is called a revenue survey. Such survey may extend to the lands of any village, town or city, generally or to such land as the Government may direct.

4.Government to direct revenue survey and appoint officers.— (1) Whenever the Government thinks it expedient so to do, it may, by notification in the Official Gazette, direct any or all of the following officers to conduct the revenue survey of any local area with a view to the preparation of record of rights connected therewith or for the revision of any existing record of rights:

(a)Collector;

(b)Director of Land Survey;

(c)Sub-Divisional Officers;

(d)Mamlatdars;

(e)Survey Officers.

The Director of Land Survey or the Collector may in turn and by a similar notification, appoint the following officers in respect of local areas as may be specified therein:

(a)Awal Karkuns;

(b)Circle Inspector;

(c)Talathis.

5.Service from holders of land and village officers.— It shall be lawful for a Survey Officer deputed to conduct or take part in any such survey, to require by general notice or by summons, the attendance of holders of land and of all persons interested therein in person, or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluka and village officers, who in their several stations and capacity are legally or by usage, bound to perform service by virtue of their, respective officers, and to require from them such assistance in the operation of the survey and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

6.Assistance to be given by holders and others in measurement of lands.—It shall be lawful for a Survey Officer, while conducting surveys mentioned in the preceding rule,

to call upon all holders of land and other persons interested therein, to assist in the measurement of the lands to which the survey extends by furnishing flagholders and the like; and in the event of a necessity for employing hired labour for this or other similar object incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses on the lands surveyed, for collection as a revenue demand.

7.Survey numbers.— (1) Subject to the minimum size of a survey number that may be fixed from time to time for the several classes of land by the Government, the survey officer may:—

(a) divide the lands to which the revenue survey extends into survey numbers and group the survey numbers into villages;

(b) recognise the existing survey numbers of plot numbers of lot numbers, reconstitute them or from new survey numbers; or

(c) divide the survey numbers into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.

(2) Every holding not less in area than the minimum fixed under sub-rule (1) shall be separately measured, classified and defined by boundary marks and entered in the land records as a survey number.

(3) Every holding less in area than the minimum fixed under sub-rule (1), shall be separately measured, classified and entered in the land records as a sub-division of that survey number in which it is directed to be comprised.

8.Entry of survey numbers and sub-divisions in records.— (1) The area and classification of survey numbers and sub-divisions of survey numbers shall be recorded in a book or embodied in a plane table map in such forms as shall be prescribed by the Director of Land Survey for such survey. The said books or maps shall be preserved as a record of the survey.

(2) The original measurement made by the subordinate survey officers employed for the purpose, shall be tested by the officers in charge of measuring establishments in such manner and to such an extent as the Director of Land Survey shall deem sufficient.

(3) Village maps shall be prepared under the orders of the Director of Land Survey, showing each survey number and its boundary marks and the sub-divisions of the survey number and their boundary marks.

9. Amalgamation of Survey numbers and Sub-Divisions.— (1) Any survey number or sub-division of a survey number may be amalgamated with any other coterminous survey number with the sanction of the Collector and, upon the application of the holder whenever all the parcels of land proposed for amalgamation are held by the same holder upon the same area.

(2) Any sub-division may be amalgamated without prior sanction with any coterminous sub-division of the same survey number held by the same holder upon the same area.

(3) When such amalgamation is affected, the two or more portions of land shall become one entry in the land record bearing the same distinguishing numbers as the first in series of

the amalgamated area. Any boundary marks placed between the amalgamated holding shall be removed and the village map corrected accordingly.

10.Division of survey numbers into new survey numbers.— Where any portion of cultivable land is permitted to be used under orders of a competent authority, for any non-agricultural purpose, such portion may with the sanction of the Collector, be made into a separate survey number at any time.

11.Maintenance of records.— For all lands which are surveyed under the provisions of these rules, it shall be the duty of the Director of Land Survey—

(a) to cause to be corrected any arithmetical or clerical errors whenever discovered;

(b) to cause to be incorporated punctually in the land records all changes in boundaries, areas, either or survey number or of their sub-divisions which are made under orders of a competent authority.

12. Director to issue instructions and forms.— Details instructions and forms shall be drawn up and maintained by the Director of Land Survey subject to the orders and approval of the Government, for the proper carrying out of the provisions of Rule 11.

13.City Survey.— The Government, may at any time, direct a survey or resurvey of lands, other than those used ordinarily for the purpose of agriculture only within the site of any village, town or city. Such survey shall be conducted and all its operations shall be regulated according to the provisions made in the preceding Rules of this Chapter.

14.Survey Fee to be charged.— Every holder of a building site, in respect of which a survey under the preceding rule is carried out, shall be liable to the payment of a survey fee at such rate as may be prescribed by the Director of Land Survey with the previous approval of the Government.

15. Sanad to be granted.— Every holder of a building site, as aforesaid, shall be entitled, after payment of the said survey fee, to receive without extra charge, one or more sanads, in the prescribed form specifying, by plan and description, the extent and conditions of his holding.

CHAPTER III

Boundaries and Boundary Marks

16.Fixation and demarcation of boundaries.— Boundaries of all villages and of all survey numbers in villages therein shall be fixed and demarcated by boundary marks.

17.Determination of village boundaries.—The boundaries of villages shall be fixed, and all disputes relating thereto shall be determined by survey officers or by such other officers as may be appointed by the Government for the purpose, after holding a formal inquiry at which the village officers and after giving all persons interested, an opportunity of appearing and producing evidence.

18.Determination of field boundaries.—If at the time of a survey, the boundary of a field or holding is undisputed, and its correctness is affirmed by the village officers then present, it may be laid down as pointed out by the holder or person in occupation and, if

disputed or if the said holder or person in occupation is not present, it shall be fixed by the survey officer according to the land records and according to occupation as ascertained from the village officers and the holders of the adjoining lands, or on such other evidence or information as the survey officer may be able to procure.

19.Disputes regarding boundaries between villages, survey numbers and sub-divisions.— If any dispute arises concerning the boundary of a village or a field or a holding which has not been surveyed, or if at any time after the completion of a survey a dispute arises concerning the boundary of any village or survey number of sub-division of survey number, it shall be decided by the Collector after holding a formal inquiry at which the village officers and all persons interested therein shall be given an opportunity of appearing and producing evidence before him.

20.Effect of settlement of boundary.— (1) The settlement of a boundary under this Chapter shall be determinative:—

(a) of the proper position of the boundary lines or boundary marks; and

(b) of the right of the holders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings;

(2) Where a boundary has been so fixed, the Collector may at any time summarily evict any person who holds land and, who is wrongfully in possession of any land which has been adjudged in the settlement of boundary not to appertain to his holding or to the holding of any persons through or under whom he claims.

(3) Subject to the provisions of sub-rules (4) and (5), an appeal shall be to the Government against an order of ejectment under sub-rule (2).

(4) Where any person has been ejected or is about to be ejected from any land under the provisions of sub-rule (2), he may within a period of one year from the date of ejectment or the settlement of the boundary, institute a civil suit to establish his title thereto:

Provided that, the Government or the Collector or any revenue or survey officer as such shall not be made a party to such suit.

(5) Where a civil suit has been instituted under sub-rule (1) against any order of ejectment under the provisions of sub-rule (2), such order shall not be subject to an appeal to the Government under sub-rule (3).

21.Construction and repair of boundary marks of survey numbers and villages.— (1) It shall be lawful for any survey officer authorised in this behalf to erect or cause to be constructed, laid out, maintained or repaired, boundary marks and survey marks of village or survey numbers or sub-divisions and to assess all charges incurred thereby on the holders or others having an interest therein.

(2) Such officer may by a notice in writing, require land holders to construct lay out, maintain or repair within a specified time, the boundary marks or survey marks of their respective survey numbers of sub-divisions; and on their failure to do so the survey officer shall construct, lay out or repair them and assess all charges incurred thereby as hereinbefore provided.

(3) The boundary marks and survey marks shall be of such description, and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimension and materials as may be determined by the Director of Land Survey according to the requirement of soil, climate, durability and cheapness of materials.

22.Responsibility for maintaining boundary marks.—Every person who holds land or is in possession thereof shall be responsible for the maintenance and good care of the boundary marks and survey marks of his holding and for any charge reasonably incurred on account of the same by the revenue officers in case of alteration, removal or disrepair. It shall be the duty

of the Revenue Officers to prevent the destruction or unauthorised alteration of the village boundary marks of survey marks.

23.Determination of responsibility for maintenance.—(1) The responsibility of the land holders for boundary marks on a common boundary lies on the holder of the survey number which is numerically lowest.

(2) The provisions of sub-rule (1) is subject to the conditions that when any survey number is not occupied or assigned for Government purposes the responsibility for repair of the marks on its periphery will pass on to the land holders of the other side of the boundary. Repairs will be made at Government expenses only when the marks in disrepair lie between survey numbers, each of which has no holder, except the Government.

(3) Within each survey number the holder or holders of each sub-division are responsible for the marks, if any, have been prescribed, to the periphery of that sub-division to the same extent as they would be responsible if "sub-division" were read instead of "survey number" in sub-rules (1) and (2).

(4) A mark which is on the common boundary of two or more villages must be repaired by the holder of the land in the village which is under restoration when the marks are found out of repair.

24.Collector to have charge of boundary marks.—After the survey operations are over, the charge of the boundary marks and survey marks shall devolve on the Collector, and it shall be his duty to take measures for their constructions, laying out, maintenance and repair and for this purpose the powers conferred on survey officers by Rule 21 shall vest in him.

25.Penalty for injuring boundary marks.—Any person willfully erasing, removing or injuring a boundary mark or survey mark, shall on summary inquiry by a revenue officer, be liable for a penalty not exceeding fifty rupees for each mark so erased, removed or injured.

CHAPTER IV

Land Records

26.Preparation of record of rights.—It shall be lawful for the Government to take all measures for the preparation and maintenance of land records, including the record of rights and maps, and all other matters connected therewith or incidental thereto.

27.Record of rights.—(1)A record of rights in land as owner, occupant, tenant, Government lessee (including a holder of land under an emphytensis or provisional concession), mortgage or howsoever, shall be maintained in every village in the form of a separate card in

Form I for each survey number or as the case may be, sub-division of a survey number or where the land is not surveyed, for each field, and such record of rights shall include the following particulars, namely:—

(a) Survey number, sub-division number, name of the field, area of the land and the tenure on which it is held;

(b) Names of all persons who are owners, occupants, Government lessees or mortgagees of the land;

(c) Names of tenants, if any, on the land;

(d) Names of persons holding an encumbrance of any other charge or right on the land;

(e) The nature and extent of the respective interests of such persons and the conditions or liabilities, if any, attaching thereto;

(f) The rent, if any, payable for the land.

(2) The first preparation of a record of rights in any village shall be made in accordance with the procedure prescribed in rule 29 by the Mamlatdar or any other officer as may be specified by Government in this behalf.

(3) The record of rights shall be maintained uptodate in accordance with the provisions of rules 28 and 29.

28. Acquisition of rights to be reported.—Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as owner, holder, occupant, mortgagee landlord, tenant or Government lessee of any land, shall report orally or in writing his acquisition of such right to the Talathi within three months, from the date of such acquisition and the said Talathi shall at once give a written acknowledgement of the receipt of such report to the person making it:

Provided that, where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the Talathi:

Provided also that where a person claims to have acquired a right with the permission of the Collector where such permission is required under the provisions of any lay for the time being in force, such person on being required by the Talathi so to do, produce such evidence of the order by which such permission is given.

Explanation I —The right mentioned above include a mortgage without possession but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

Explanation II —Aperson in whose favour a mortgage is discharged or extinguished, or lease determined acquires a right within the meaning of this section.

Explanation III —For the purpose of this Chapter the term "Talathi" includes any person appointed by the Collector to perform the duties of a Talathi under this Chapter.

First-Preparation of Record of Rights

29.Issue of notice.—(1) When the Record of Rights is to be introduced in any village for the first time, the Talathi shall issue a public notice in

Form II calling upon all persons who have any interest in the lands in the village to furnish to him either in writing or orally information on all or any of the following points within one month from the date of the public notice:—

(i) Survey number and sub-division number, if any, of the land (or where the lands are not surveyed, of the field and its boundaries) in which he has any interest as holder, occupant, owner, tenant, landlord, mortgagee, Government lessee or in any other manner.

(ii) The nature of interest in the land.

(iii) The tenure on which the land is held, that is to say whether the land held as owner, occupant or Government lessee.

(iv) The encumbrance or charge, if any, on the land and the name of the holder of such encumbrance of charge.

(2) The aforesaid notice shall be published in the village by beat of drum and by affixing copies thereof, in a conspicuous place in the village and where there is a village panchayat in the office of the village panchayat.

30.Preparation of Index of Lands.—(1) The Talathi shall on the basis of the information received under rule 29 or such information as he may collect by making local inquiry prepare a draft of the Index of land in the village in

Form III.

(2) The draft of the Index of lands prepared under sub-rule (1) shall, after being checked by the Circle Inspector or a Survey Officer not below the rank of a Circle Inspector, be published by issuing a notice in

Form IV and publishing the notice in the manner provided in sub-rule (2) of rule 29. The notice shall call upon all persons having interest in the lands in the village to inspect the draft, which shall be kept open for inspection on the dates and times and at a place (which shall be convenient to the villagers) to be specified in such notice and to submit to him in writing within one month from the last date for inspection specified in the said notice their objections, if any, to any of the entries in the draft. The notice shall also mention the date (such date being not earlier than one month from the expiry of the period specified for submission of objection) on which the entries in the draft will be read aloud in public and the objections received within the prescribed period shall be inquired into and decided by a Survey Officer or as the case may be, a Revenue Officer not below the rank of an Awal Karkun and call upon the persons having interest in lands to be present at the aforesaid occasion.

(3) If from the objection received by the talathi under sub-rule (2) he finds that disputes exist relating to entries in respect of certain lands, he shall enter such disputes in a register of disputed cases, which shall be maintained for each village in

Form V. He shall simultaneously give individual notice in Form VI to each person who appears to him to be interested in the disputed entry, informing him of the dispute and calling upon him to be present on the date the dispute is to be heard and decided.

(4) On the date specified in the notice issued under sub-rule (2), the Revenue or Survey Officer concerned shall at the appointed place and time read aloud in the presence of the persons assembled, the draft of the Index of Lands for the village. He shall then inform them of the lands in respect of which disputes have been raised and ask them whether they admit the entries in respect of the remaining lands. If they admit such entries the officer shall make a remark to that effect in the remarks column of the draft. If in respect of any entry any error is pointed out and is admitted by all concerned, the entry shall be corrected and a remark made to that effect in the remarks column. If a dispute is raised in respect of any entry it shall be entered in the register of disputed cases.

(5) Thereafter the officer concerned shall, after verifying whether the talathi has given individual notices under sub-rule (3), proceed to decide the disputed cases entered in the register of disputed cases and record therein his decision in respect of each dispute. The decision shall be announced to the persons assembled.

(6) The entries in the draft of the Index of Lands shall be corrected in red ink by the talathi in the light of the decisions given under sub-rule (5). He shall also prepare a second draft of the Index of Lands which shall contain all entries as they stand corrected.

31.Promulgation of record of rights.—(1) The second draft shall be published by issuing a notice in

Form VII and publishing the notice in the manner provided in sub-rule (2) of rule 29. The notice shall call upon all persons having interest in the lands in the village to inspect the draft, which shall be kept open for inspection on the dates and times and at a place (which shall be convenient to the villages) specified in such notice and informing them that the draft will be finalised and the record of rights promulgated by a Revenue of Survey Officer not below the rank of a Deputy Collector on the date and time to be specified in such notice after hearing any appeals against the decisions taken in the disputed cases. The notices shall also call upon the persons aggrieved by the decisions in the register of disputed cases to hand over to the talathi before the aforesaid date their appeal petitions. On receipt of such petition the talathi shall give notice about the receipt of such petition to the other parties who are interested in the land and call upon them to be present on the date, the appeal petition is to be decided.

(2) On the appointed date and time, the officer, concerned shall consider all the appeal petitions received by the talathi within the prescribed period and shall decide them after hearing the parties. He shall then get the entries in the second draft corrected in red ink in accordance with the decisions given by him on the appeal petitions and shall sign it at the end after adding a certificate that it has been duly approved by him. He shall then direct the talathi to transfer the entries in respect of each survey number or sub-division of a survey number or in respect of each field where the land is not surveyed, in the second draft to the record of rights in

Form I allotted for the survey number or the sub-division of survey number or the field, as the case may be, and proclaim to the villagers that the record of rights so prepared shall be the record of rights of the village.

32.Mamlatdar responsible for maintenance of record of rights.— The Mamlatdar shall be responsible for the maintenance of the record of rights in all villages within his jurisdiction and for that purpose for the timely and systematic compliance of the provisions hereinafter appearing.

33. Acknowledgement of reports under rule 28 and Register of Mutations.— (1) On receipt of a report either orally or in writing underrule 28 about acquisition of rights in land, the talathi shall at once acknowledge its receipt in

Form VIII and enter the mutation in the Mutation Register in Form IX maintained for each village.

(2) As soon as an intimation sent to him by the registering officer under rule 37 is received, the talathi shall make a separate entry in the mutation register about the mutation made by each document mentioned in such intimation.

(3) Where the acquisition of rights in any land is as a result of transfer of such land and such transfer cannot be made without the previous permission of any officer of Government, the talathi shall require the person making the report to him under rule 28 to produce before him such permission or such evidence of the order by which such permission is given within fifteen days. If such permission or evidence is produced the talathi shall record this fact at the end of the entry in column 2 of the mutation register. If the permission is obtained but not produced or not at all obtained the talathi shall record this fact as aforesaid.

(4) Wherever the talathi received from the Mamlatdar, the Director of Land Survey of officers superior to him:—

(i) any intimation about the passing of any order as a result of which mutation has taken place; or

(ii) any intimation about hypothecation of any land for tagai loan;

he shall make an entry about the mutation in the mutation register.

34.Notice of mutation and pencil entries in record of rights.— As soon as an entry is made in the mutation register he shall at the same time post up a complete copy of the entry in a conspicuous place in the village. He shall also simultaneously give notice in

Form X to all persons appearing from the record of rights or mutation register to be interested in the mutation and to any other persons whom he has reason to believe to be interested therein requiring them to submit to him either orally or in writing the objections, if any, to the entry in the mutation register, within fifteen days from the receipt of such notice. He shall also provisionally give effect to the mutation entry in the record of rights by bracketing the old entry in pencil and by writing in pencil below it the entry as modified by the mutation entry and followed by the serial number of the said mutation entry:

Provided that where the mutation entry is made as a result of item (ii) of sub-rule (4) of rule 33, it shall not be necessary to give written intimation under this rule.

35. Acknowledgement of objections.— The talathi shall acknowledge the objections received under rule 34 and shall also enter them in the register of disputed cases.

36. Mutation register to be examined by the Circle Inspector.— (1) The Circle Inspector shall visit the village and examine any entry made by the talathi in the mutation register and see if copies of every entry have been properly posted and notices have been properly served under rule 34 or not. The Circle Inspector shall give intimation of the date and time of such visit, sufficiently in advance to the talathi who shall inform the

persons interested in the relevant mutation entries about such visit and call upon them to remain present at a prominent place in the village when the Circle Inspector visits the village.

(2) On visiting the village at the appointed time, the Circle Inspector shall read out aloud each mutation entry and explain it to the persons present. He shall also ask the persons interested in the relevant entry to state whether they admit the entry or whether they have any objection to it. If any objection is raised, the objection shall be entered by him in the register of disputed cases.

(3) The Circle Inspector shall initial the entries in the mutation register in respect of which no objection is received by the talathi or by him under sub-rule (2). Where the entry is admitted by the persons interested, the fact shall be noted by him in column 4 of the mutation register.

(4) If in respect of any entry in the mutation register, an error is noticed by the Circle Inspector or is pointed out to him by any one present, and such error is admitted by all persons interested in such entry who may be present or if such persons be not present, the Circle Inspector is himself satisfied about the existence of such error, he shall correct the error by bracketing the erroneous entry and inserting the correct entry by interlineations or side note or by an entirely fresh entry, in either case authenticated by his signature. If the error is not admitted, he shall enter the dispute in the register of disputed cases.

37. Certification of mutation entries and disposal of dispute.—(1) Disputes entered in the register of disputed cases and the entries in the mutation register shall be certified in the village or in its neighbourhood by a revenue or survey officer not below the rank of an Awal Karkun as far as possible within one year from the date of making the entry in the register. For this purpose the certifying officer shall give intimation in

Form XI to the talathi sufficiently in advance.

(2) On receipt of the intimation the talathi shall issue notices in

Form XII to the persons interested in the mutation entries to be certified and the disputes entered in register of disputed cases at least fifteen days before the date fixed for certification of the mutation entry asking them to be present at the appointed time and place and further informing them that if they fail to remain present, the dispute will be decided and the mutation entries will be certified by the certifying officer in their absence.

(3) At the appointed time and place the certifying officer shall read out the mutation entries which are undisputed in the presence of the parties interested in such entries who may be present. If the correctness of an entry is admitted, the certifying officer shall record such admission in the mutation register and add an endorsement under his signature that the entry has been duly certified. If an error is noticed in the entry by the Certifying Officer and such error is admitted by the persons interested who may be present, the Certifying Officer shall correct the entry and certify the corrected entry as aforesaid.

(4) The Certifying Officer shall then decide each dispute entered in the register of disputed cases by holding a summary inquiry and shall record his decision in the said register. He shall also record in column 4 of the mutation register the order passed by him

about the mutation entry in such decision and further make an endorsement under his signature to the effect that the mutation entry as modified by his order is certified by him.

(5) Where the mutation entry is made as a result of item (ii) of sub-rule (4) of rule 33, the Certifying Officer shall certify the entry after verifying it.

38.Giving effect to the certified entries in mutation register in record of rights.—(1) Immediately after the mutation entry is certified under rule 37, the talathi shall give effect to the mutation entry as certified in the record of rights in the following manner:—

(i) where the entry made in pencil in the record of rights remains unaltered by the mutation entry as certified, the talathi shall ink out the entry; and

(ii) Where the entry made in pencil in the record of rights is altered by the mutation entry as certified, the talathi shall erase the entry made in the pencil and write in ink the correct entry in conformity with the certified mutation entry.

(2) Where more than one mutation of an entry in the record of rights has taken place prior to the certification, each such mutation shall be transferred to the record of rights in the manner provided in sub-rule (1) in the order of occurrence of the mutations.

39.Intimation of transfers by registering officer and giving effect to such transfer in record of rights.—(1)When any document purporting to create, assign or extinguish any title to, or any charge on, land used for agricultural purposes, or in respect of which a record of rights has been prepared is registered under the Indian Registration Act, 1908, the officer registering the document shall send intimation to the talathi of the village in which the land is situated and to the Mamlatdar of the Taluka, in

Form XII separately in respect of lands included in each village. Such intimation shall be given in the first week of each month for the documents registered in the preceding month. While sending the intimation to the talathi, it shall be sent in duplicate.

(2) On receipt of an intimation under sub-rule (1), the talathi shall immediately take action as if the intimation was a report made to his under section 28 and the provisions of rules 34 to 38 shall *mutatis mutandis* apply except that it shall not be necessary for the talathi to acknowledge receipt as provided in sub-rule (1) of rule 33. The talathi shall also enter the mutation entry number(s) in the "remarks" column of the duplicate copies of the intimation received under sub-rule (1) and return one copy to the Mamlatdar.

40.Register of cultivators and crops.—A register showing the names of persons who have cultivated the lands in a village, the crops grown therein and the area in which they are grown and where the lands are not cultivated, the names of persons in actual possession shall be maintained in every village. It shall be in the form of a separate card in

Form XIII in respect of each survey number or sub-division of a survey number and shall be printed below the record of rights in Form I. Entries in the register shall be made every year in the manner provided in rules 41 and 42.

41. Procedure of making entries in register of cultivators and crops.— (1) Every year at any time during the period when the crops grown in the village are standing in the fields, the talathi shall visit the village for the purpose if inspection of the crops and making entries in the register of cultivators and crops.

(2) The talathi shall give intimation of the date of his visit to the village for the purpose of sub-rule (1) to the Sarpanch of the village panchayat at leastseven days in advance and shall request him to arrange to inform the villagers by beat of drum or by any other suitable method about the date(s) of visit of the talathi and its purpose and to call upon the villagers to be present in their fields and witness the entries being madein the register of cultivators and crops. He shall also request the Sarpanch to request the members of the village panchayat to accompany him during the crop inspection.

(3) On the appointed date(s) the talathi shall visit every field in the village in the presence of the members of the village panchayat and in villagers who agree to accompany him and make entries in the register of cultivators and crops in respect of each survey number or sub-division of a survey number. He shall allow the persons interested in the land to see the entries made by him in respect of the land in which they are interested.

(4) For ascertaining the person who has cultivated a survey number or sub-division of a survey number or where the land is uncultivated of the person in actual possession, the talathi shall question the person who may be present in the land and also the villagers who accompany him. Where there is no dispute about such person, and where such person is also a person who according to the entries in the record of rights is entitled to cultivate the land or as the case may be, to be in actual possession, the talathi shall make entries in ink in the register in respect of that land.

(5) Where there is a dispute or disagreement about such person or where such person is other than the person who according to the entries in the record of rights is entitled to cultivate the land or as the case may be, to be in actual possession and such person is able to produce before the talathi documentary evidence in support of his possession of the land, the talathi shall make an entry in ink in respect of such land and shall also keep in column (17) of the register a note about the document produced in support of his possession. If the person is unable to produce such documentary evidence the talathi shall make the entries in columns (2) and (3) of the register relating to such land in pencil and the remaining entries in ink. He shall also make a note in pencil in column (17) of the register about the dispute or discrepancy in possession.

42. Finalising entries in register of cultivators and crops.— (1)As soon as may be after the talathi has made entries in the register of cultivators and crops, the Circle Inspector or any Revenue Officer superior to him shall visit the village for the purpose of finalising the entries made in pencil under sub-rule (5) of rule 41 and for hearing the objections, if any to the entries relating to crops made in the register by the talathi. He shall give intimation of the date of his visit to the talathi and Sarpanch of the village at least seven days in advance. The talathi shall arrange to inform all persons interested in the pencil entries of the officer's visit and shall call upon them to remain present at the appointed place and at the appointed time if they have any objection to the pencil entry.

(2) On the appointed date, the officer referred to in sub-rule (1) shall after hearing the objections, if any, to the pencil entries and the entries relating to crops and after holding such further enquiry as he deems necessary for ascertaining the correct factual position, ink out the pencil entry if it represent the correct factual position or make a fresh entry in ink in accordance with the correct factual position after erasing the pencil entry. He shall

similarly correct the incorrect entries relating to crops and shall put his initials at the end of such entries.

43. Mutation entries corresponding to entries in register of cultivators and crops.— Where an entry made in the register of cultivators and crops relating to a mutation in respect of such land, the talathi shall make an entry in the mutation register about the mutation. Thereafter the provisions of rules 34 to 39 shall *mutatis mutandis* apply.

Other matters

44.Revenue Officer to exercise powers of survey officers.—For the purpose of preparing or revising any map or plan required for, or in connection with any record or register under the provisions of these rules, the Revenue Officers shall exercise the following powers of a survey officer—

(a) A circle Inspector and a talathi may issue notice to secure the attendance of holders of land and of all persons interested therein. They may also send intimations to village officers connected with survey operations, requiring them to render necessary assistance and call upon the holders and the interested persons to assist in the measurement.

(b) The revenue officers of and above the rank of an Awal Karkun may, if so required, issue summons to the holders and interested persons in order to secure their attendance and send intimation to the Taluka Officers connected with survey operations to render necessary assistance. Such officers may in the event of necessity employ hired labour for purposes of survey.

(c) The cost of preparation or revision of maps with all contingent expenses including the cost of clerical and hired labour and supervision shall be assessed on the land to which such map or plans relate, by an Assistant or Deputy Collector in such a way that it will cover entire cost of measuring, assessing and maping the land. Such cost shall be recovered from the holders of land as a revenue demand.

45.Inspection of record of rights.—The records and registers maintained under these rules shall, from time to time be inspected by revenue and survey officer not below the rank of a Mamlatdar. If any error in the entry is noticed by such officer during the course of his inspection, it shall be treated as a fresh mutation and corrected in accordance with the provisions of these rules.

46. Entries made in pencil not to be accepted as evidence.— An entry made in the pencil either in the record of the rights or register of cultivators and crops shall not be accepted as evidence in any proceedings before any authority, court or tribunal.

47. Correction of clerical errors.—The Collector may, at any time correct or cause to be corrected any clerical error and any errors which the parties interested admit to have been made in the record of rights or registers maintained under this Chapter or which a revenue officer may notice during the course of his inspection:

Provided that when any error is noticed by a revenue officer during the course of his inspection, no such error shall be corrected unless a notice has been given to the parties

and objections, if any, have been disposed of finally in accordance with the procedure relating to disputed entries.

48. Presumption of correctness of entries in record of rights and register of mutations.—An entry in the record of rights and a certified entry in the register of mutation shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

49. Bar of suits.—No suit shall lie against the Government or any officer of the Government in respect of a claim to have an entry made in any record or register that is maintained under this Chapter or to have any such entry omitted or amended.

50.Inspection of maps and land records and certified copies thereof.— *(1)* Subject to the payment of the fees provided in sub-rule (2) all maps and land records shall, subject to such restrictions as may be imposed, be open to inspection by the public during office hours in the office of the officer in charge of the same and certified extracts therefrom or certified copies thereof may be given to all persons applying for the same on payment of such fees as prescribed in sub-rule (2).

(2) The following fees shall be payable in cash for inspection and for supply of certified copies—

(i) For each day on which the inspection is made	50 paise per hour subject to a maximum of Rs. 2 per day.
(ii) For every certified copy of a serial number or entry in the record of rights, register of mutations, or register of cultivators and crops.	5 paise.

51.Continuance of survey operations at the commencement of the Rules.—All survey operations commenced under any law for the time being in force, or any rule, order or direction of the Government, and either completed or continuing at the commencement of these rules shall be deemed to have been commenced, completed or to be continuing under the provisions of these rules.

FORM - I

(See Rule 27)

Record of Rights of village ..... Taluka.....

Survey No.	Sub-Division Number	Name of field, if any	Name of occupant	Khata No.	Mutation entry No.
1. Cultivable area		Ha	As		
(i) Dry crop					
(ii) Garden of irrigated					
		(a) Khazan			
(iii) Rice		(b) Kher			
		(c) Morod			
Total					

	Name of tenant	Khata No.	Mutation entry No.
II. Un-cultivable			
Class (a)			
Class (b)			
Total			
(I+II) Total gross area			

Rs.	Ps.	Other rights	Name of person holding rights	Nature of right	Mutation entry No.

FORM II

[*See* Rule 29 (1)]

Public Notice

Whereas it has been decided by Government to introduce Record of Rights in the Village ... in ... Taluka ... District under the provisions of the Goa, Daman and Diu Agricultural Tenancy (Revenue Survey and Record of Rights) Rules, 1967;

And whereas an index of lands in the village is now to be prepared under rule 30 of the said rules;

Now, therefore, I, ... Talathi of ... hereby give a public notice under Rule 29 of the said rules to all persons who have any interest in the lands in the said village and call upon them to furnish to me either in writing or orally, information on all or any of the following points in respect of the land in which they are interested, within one month from the date of this notice:—

1) Survey Number and sub-division Number, if any, or the name of the field and its boundaries in which the person has any interest as owner, occupant, holder, tenant, mortgagee, Government lessee (including a person holding land from the Government on emphytensis or provisional concession), or in any other manner;

2) The nature of interest in the said land;

3) The tenure on which the land is held, that is to say, whether the land is held as owner, occupant or Government lessee;

4) The encumbrance or charge, if any, on the said land and the name of the holder of such encumbrance or charge.

Place : Talathi of .....

Date:

FORM III

[See Rule 39 (1)]

Index of lands

Village …… Taluka ……

Survey No.	Sub-Division Number	Name of the Field	Tenure	Area and classification				
				Cultivable		(Uncultivable pot-kharb		
				Area Ha. As.	Classification (i.e. dry crop rice of garden)	Area Ha. As.	Clasification [i.e. class (a) or Class (b)]	Name of occupant
1	2	3	4	5	6	7	8	9

Name of tenant	Khata No. of tenant	Khata No. of tenant	Rent payable by tenant	Other rights (i.e. rights held by persons other than occupant or tenant or encumbrance		
				Name of person holding such rights or encumbrance	Nature of rights or encumbrance	Initials of checking
10	11	12	13	14	15	16

FORM IV

[*See* Rule 30(2)]

Public Notice

Whereas it has been decided by Government to introduce Record of Rights in the village ... in ... Taluka ... District under the provisions of the Goa, Daman and Diu Agricultural Tenancy (Revenue Survey and Record of Rights) Rules, 1967;

And whereas a draft of the Index of Lands has been prepared under rule 30 of the said rules;

Now, therefore, I, ... Talathi of ... village hereby call upon all persons having interest in the lands in the said village to inspect the draft of the Index of Lands which is kept open for inspection on ... (here mention the dates on which the draft is kept for inspection) at ... (here mention the place at which the draft will be available for inspection) during the hours ... and to submit to me in writing within one month from the last date of inspection specified above, their objections, if any, to any of the entries in the said draft;

I also give notice that the entries in the said draft of the Index of Lands will be read aloud on ..... at ... and the objections received by me within the aforesaid prescribed period will be enquired into and decided by ... and call upon all persons having interest in the lands in the said village to be present at the aforesaid occasion.

Place:

Date: Talathi of .....

FORM V

[*See* Rule 30(3)]

Register of Disputed Cases

Sr. No.	Sr. No. in mutation	Survey No. and Sb-Division No. or name of field	Date of receipt of objections	Particulars of disputes with names	Orders of Officers
1	2	3	4	5	6

FORM VI

[*See* Rule 30 (3)]

Notice

Whereas it has been decided by Government to introduce Record of Rights in the village ... in ... Taluka ... District under the provisions of the Goa, Daman and Diu Agricultural Tenancy (Revenue Survey and Record of Rights) Rules, 1967;

And whereas a draft of the Index of Lands prepared under sub-rule (1) of rule 30 of the said rules, has been published for being inspected by the persons, interested in the lands in the village and for submission of objections to the entries made therein;

And whereas an objection, as specified below, has been received from Shri ..... to the entry made in respect of the land specified below:

Survey No. and Sub-Division or name of the field	Nature of the objections

And whereas it appears to me that you are interested in the entry in respect of the aforesaid land;

Now, therefore, I ... Talathi of village, hereby call upon you to be present, before the officer who will enquire into the aforesaid dispute on ... at ... and place before him your say in the matter. It should please be noted that if you fail to remain present the dispute will be decided in your absence.

Place: Talathi of ...

Date :

FORM VII

[*See* Rule 31(1)]

Public Notice

Whereas it has been decided by Government to introduce Record of Rights in the village ... in ... Taluka ... District under the provisions of the Goa, Daman and Diu Agricultural Tenancy (Revenue Survey and Record of Rights) Rules, 1967;

And whereas a second draft of the Index of Lands of the said village has been prepared under sub-rule (6) of rule 30 of the aforesaid Rules, after the disputes relating to the entries in the first of the Index of Lands were decided by (here mention designation of officer) …... and the said second draft is kept at …….. for inspection by all persons having interest in the lands in the said village on …... between the hours…...

And whereas the aforesaid draft of the Index of Lands will be finalised by (here mention designation of the officer) ... on ... at ... at ... after hearing appeals, if any, against the decisions given in the aforesaid dispute cases;

Now, therefore, I, .. Talathi of ... village hereby call upon all persons interested in the lands in the said village to inspect the second draft of Index of Lands. I further call upon those persons who may be aggrieved by the decisions in the disputed cases to give their appeal petitions against such decisions to me before ... for being heard and decided by the aforesaid officer and to remain present before him at the aforesaid time. It should please be noted that if they fail to remain present, the appeals will be decided in their absence.

Place: Talathi of ...

Date :

FORM VIII

[*See* Rule 33(1)]

Form of Acknowledgement of the Report Regarding Acquisition of Right

Received from : of village, taluka on 19 a report orally/in writing regarding the acquisition of rights in respect of Survey No. Sub-Division No. of village, taluka with the following documents in support thereof—

Place:

Talathi of ...

Date:

FORM IX

[*See* Rule 33(1)]

Mutation Register

Serial No. of entry	Nature of rights acquired	Name of the field or survey and Sub-division Nos. affected	Initial or remarks by testing officers
1	2	3	4

FORM X

(*See* Rule 34)

Notice

Whereas an entry has been made in the register of mutation of the village ……..… Taluka……..…..regarding the acquisition of rights in land as specified below from the said village:—

Serial number of entry in mutation register	Nature of rights acquired	Name of the field or Survey number and sub-division number in which the rights have been acquired

And whereas, it appears to me that you are interested in the said mutation entry;

Now, therefore, you are hereby given notice of the said mutation entry and you are called upon to submit to me either orally or in writing within fifteen days from the day of receipt of the notice, your objection, if any, to the said mutation entry. Please note if no objection is received by me within said period of fifteen days it shall be presumed that you agree to the mutation entry.

Place: Talathi of …… Date:

FORM XI

(*See* Rule 31)

Place:

Date: To,

The Talathi of …….. taluka

Sir,

I am hereby informing you that I shall be camping at …….. in village …… taluka at ……..for the purpose of certifying the mutation entries made in the mutation register of …… village in your charge, which may have been made since the last visit of the certifying officer and for the purpose of deciding disputes entered in the register of disputed cases relating to such mutation entries. I, therefore, call upon you to issue notice in

Form XII prescribed under the Goa, Daman and Diu Agricultural Tenancy (Revenue Survey and Record of Rights) Rules, 1967, to all persons who are known from the village record to be interested in the mutation entries to be certified and the dispute about them, at least fifteen days before the date of my camp.

Yours faithfully,

Certifying Officer

_____

FORM XII

[*See* Rule 37(2)]

Notice

Whereas an entry has been made in the mutation register of ……. village ….....taluka regarding acquisition of rights in lands as specified below from the said village:

Serial number of mutation entry	Nature of rights	Name of the field or survey number and sub-division number affected

And whereas the Certifying Officer will camp at ……. in village ……. taluka ……. for the purpose of certifying the above entry after deciding the dispute, if any, in respect of the said mutation entry in the register of disputed cases;

And whereas it appears to me from the village record that you are interested in the said mutation entry;

Now therefore, I, Talathi in charge of the village in which the aforesaid land is situated, hereby give notice to you to remain present before the Certifying Officer for placing before him your say about the said mutation entry or the dispute about it. Please also note that if you fail to remain present, it shall be presumed that you have nothing to say in the matter and the dispute about the mutation entry will be decided and the mutation entry certified in your absence.

Place:

Date: Talathi of ……

FORM XIII

[*See* Rule 39 (1)]

Registering Officer's monthly return of registered transferred transactions affecting land in …….. Village …….. Taluka …… District for the month of ……..…. 19…..

Sr. No. in registration	Name of village in which the land is situated	Nature of the documents	Survey No. (or Plot No.) and Sub-Div. No. or name of the field affected by the transaction	Area	Assessment	Tenure
1	2	3	4	5	6	7

Name and residence of the executor of the document	Name and residence of the person in whose favour the document is executed	Where the registered transaction is by order of court or otherwise	Consideration	Date of execution of the document	Remarks
8	9	10	11	12	13

Place:

Date: Designation of the Registering Officer To

The Mamlatdar of …….. Taluka District.

_____

The Talathi of ……. Village, Taluka …… District.

FORM XIV

(*See* Rule 40)

Register of Cultivator and Crops

Year	Name of cultivator	Mode	Season	Details of cropped area					Land not available for cultivation		Source of irrigation	Remarks
				Name of Crop	Irrigated		Unirrigated		Nature	Area		
					Ha.	As.	Ha.	As.		Ha. As.		

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu. *W. G. Ranadive,* Secretary (Revenue).

Panjim, 7th February, 1968.

The Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975

Revenue Department

RD/TNC/RLS/158/72-75

In exercise of the powers conferred by section 61 read with section 42-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964) and after complying with the requirements of pre-publication, the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1.Short title and commencement.—(1) These rules may be called the Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975.

(2) They shall come into force at once.

2. **Definitions.—**In these rules, unless the context otherwise requires:

a) "Act" means the Goa, Daman and Diu Agricultural Tenancy Act, 1964;

b) "Form" means a form appended to these Rules;

c) "Section" means a section of the Act;

d) "Association" means a group of tenants [1]["who have become deemed purchasers by virtue of the Goa, Daman and Diu Agricultural Tenancy (Fifth Amendment) Act, 1976 and"] who jointly derive benefit from a common major bund or bunds in a locality and is recognized as such under these rules, by the Mamlatdar of the Taluka having jurisdiction;

e) "Managing Committee" means Committee of members who are elected as Office bearers by the general body of the Association;

f) Words and expressions used, but not defined in these rules shall have the same meanings assigned to them in the Act.

3.Constitution and Recognition of Tenants Association.— (1) (a) [2]["Not less than ten tenants"] who jointly derive benefit from a common major bund or bunds shall be required to constitute an association. The membership of such Association shall be compulsory for all such tenants irrespective of the fact whether bund is owned by the Comunidade or by a private individual. All the members of the association will collectively be referred to as the General Body. The object of the Association shall be to discharge the joint responsibility of tenants in accordance with the provisions of section 42-A of the Act:

[1] In clause (d) of rule 2, these words have been inserted by Amendment Rules, 1999 (Official Gazette, Series I, No. 45 dated 10-2-1999-Supplement).

[2] In rule 3 these words have been substituted for the words "not less than twenty-five tenants" by Amendment Rules, 1999 (O.G. Series I No. 45 dated 10-2-1999-Supplement).

Provided that if any tenant objects to inclusion of his name as a member of any Association, the matter shall be referred to the Mamlatdar having jurisdiction and his decision shall be final and binding on the tenant.

(b) Notwithstanding anything contained in clause (a), the Mamlatdar may, for reasons to be recorded in writing, permit more than one Association even in cases where all the members are tenants benefitted by a common major bund and may also, for reasons to be recorded in writing, permit constitution of one association even if the members are those benefitted by different bunds if they all come within his jurisdiction.

(2) Every association of tenants shall be registered and recognized by the Mamlatdar concerned on an application filed on behalf of the majority of the tenants of the area in

Form I appended to these rules. The certificates of recognition shall be in Form II appended to these rules. For recognizing an Association, the total number of member should be [1]["at least ten"].

(3) The initial list of members of the Association shall be prepared by the Mamlatdar in

Form III and the same will be open for inspection by members for 15 days from the date of its display on the notice board at places where notices are displayed for meeting of the Association. After deciding the objections, if any, the list shall be finally displayed.

The list shall be kept up-to-date by the managing committee through its Secretary.

4.Functions of the General Body.— (1) It shall be the duty of the General Body of the Association:—

(i)to elect the Managing Committee and the Office bearers, namely, the Chairman, the Vice-Chairman, the Honorary Secretary and the Honorary Treasurer and Attorney;

(ii)to approve the annual Statement of Accounts to be prepared by the Managing Committee;

(iii) to consider and decide the matters regarding the conservancy, maintenance and repairs of any bund, embankment, ridge, sluice-gate or any other matter which may be specially referred to by the Managing Committee for consideration or which the majority of the members of the General Body want to raise.

[2]["(iv) to consider and decide the terms and conditions of lease of fishing rights of sluice gate or "Umalo" in the vicinity of sluice gate, "pons" or "murados" or in the rivulet and also to decide whether the public auction of fishing rights of the sluice gate or vicinity thereof, "pons" or "murados" shall be reserved exclusively for the members of Tenants Association or not."]

(2) The General Body shall meet once in a year, in the first fortnight of the month of December, to decide on general matters. For the purpose election of the Officer bearers of the Managing Committee, a special meeting shall be convened by the Mamlatdar with a

[1] These words have been substituted for the words "atleast twenty five" by Amendment Rules, 1998 (O.G. Series I No. 45 dated 10-2-1998-Supplement).

[2] New clause (iv) inserted *Ibid.*

notice of at least of 10 days in advance and the same will be presided over by the Mamlatdar or his representative. The notice in

Form IV appended to these rules, for any meeting of the General Body shall be displayed in Village Panchayat Offices, Comunidade Offices, Block Development Office and Mamlatdar's office and also a wide publicity of the same shall be given by beat of drum in the village. The voting at such meeting shall be by show of hands and the results shall be declared by the Mamlatdar or his representative, as the case may be, immediately after the voting is over for any post of office bearer.

(3) Special meeting of the General Body can be convened by the Chairman of the Managing Committee on a written request made by more than 50% of the members of the association for discussing matters of general interest. A copy of such request shall be endorsed to the Mamlatdar. If the Chairman fails to call the meeting, the Mamlatdar will have the power to call the same if he is satisfied that calling the General Body meeting is in the interest of the association. All the ordinary and special meetings shall be presided over by the Chairman or in his absence by the vice-chairman except the special meeting called by the Mamlatdar. The meeting called by the Mamlatdar shall be presided over either by the Mamlatdar or by any person duly authorized by him.

(4) (a) All the decisions of the general body shall be taken by the majority of the members present.

(b) The quorum for all meetings of the General Body shall be ten and for that convened for electing the Managing Committee shall be half of the members of the Association. If there be no quorum at any meeting, the meeting shall be adjourned to another date not earlier than seven days of the original date fixed for meeting and the business shall be transacted in such adjourned meeting even if there be no quorum in such meeting.

(c) A member may authorize in writing, any other person who may be a member or not, to represent him in any of the meetings of the Association and such authorized person shall have a right to participate in the deliberations of the meeting and also to cast his vote.

5. Duties of Members.-The Members of Association shall perform such duties as may be assigned to them by the Managing Committee for the purpose of watch and ward of the bunds.

6.Constitution and functions of the Managing Committee.— (1) The Managing Committee of the Association shall be composed of the following office bearers namely, a Chairman, a Vice-Chairman, an Honorary Treasurer, an Attorney and an Honorary Secretary. The Office bearers shall be elected by the General Body according to the procedure prescribed under rule 4. The term of the Managing Committee shall be 3 years from the date of election. However, the office bearers shall be eligible for re-elections.

(2) An Office bearer may tender his resignation in writing to the Mamlatdar and the same shall be effective from the date on which it is accepted by the Mamlatdar.

(3) An Office bearer of the Managing Committee shall be liable to be removed by a resolution to this effect if the same has been approved by the two-thirds of the members of the Association present in a special meeting convened for the said purpose. However,

no such meeting for the removal of the Office bearer shall be called unless a 5 days notice is given to the Office bearer concerned mentioning therein the grounds of the proposed removal. A copy of such notice shall be endorsed to Mamlatdar who shall convene a special meeting after satisfying himself about the genuineness of the purpose.

(4) The resultant vacancy in the Managing Committee on account of resignation, removal or death shall be filled in accordance with the provisions of sub-rule (1) within 45 days from the date of vacancy failing which such vacancy shall be filled in by the Mamlatdar through nomination from among the members of the association. The term of Office of such new member shall be co-terminous with the term of Office of the other members.

(5) The Managing Committee shall be responsible for discharge of following functions:—

(a)To maintain the list of tenants up-to date as prescribed in

Form III under Rule 3.

(b)To take all steps which are necessary to be taken for conservancy, maintenance or repairs of bunds.

(c)To get the estimates prepared for repairs, maintenance etc. from the Soil Conservation Division of the Directorate of Agriculture and take steps for execution of these works through the Soil Conservation Division.

(d)To prepare the annual statement of Accounts showing receipts and expenditure and present the same before the general body on the date fixed for the meeting.

(e)To auction the right to fishing in the vicinity of the sluice gates and to lease out the trees on the bunds.

(f)To take immediate steps for closer of breaches in the bunds and get the work executed.

(g)Any other work which the Mamlatdar or the General Body may entrust to the Managing Committee in the interest of the proper up-keep and maintenance of the bunds and sluice gates.

Explanation 1:— The Managing Committee shall work and function collectively and the responsibility of all members of the Managing Committee shall be joint for any acts of omission and commission as regards the duties of the Office bearers.

(6) The meetings of the Managing Committee shall be presided over by the Chairman or in his absence by the Vice-Chairman. There shall be at least one meeting in a period of 2 months. The minutes of the proceedings of each meeting shall be kept and the same shall be duly signed by the presiding officer and the members present. Decision in the Managing Committee shall be by majority of votes. At least three office bearers shall form the quorum for the meetings of the Managing Committee and if there is no sufficient quorum, the meeting shall be adjourned for a future date. The adjourned meeting may deliberate the agenda if at least two office bearers are present and the subject matter is to be discussed is of urgent nature. A copy of the minutes of the meeting of Managing Committee shall be sent to the Mamlatdar within 7 days of the date of meeting for his information and action, if any.

(7) The Chairman shall have powers to call the meeting of the Managing Committee and the General Body as and when found necessary.

(8) In the absence of the Chairman, the Vice-Chairman shall discharge all the duties of the Chairman.

(9) The Secretary of the Managing Committee shall prepare the Agenda for two meetings and record the minutes of the meeting of the general body and the meetings of the Managing Committee and shall exercise general supervision on the records of the Association. He shall be responsible for realization of the annual subscription and additional contribution from the member tenants. He shall also prepare and forward to the Mamlatdar a list of defaulters duly signed by him and the Chairman for further action towards recovery of dues of the association in accordance with the provisions of the Act. A copy of such list shall also be displayed on the notice board of the Village Panchayat within whose jurisdiction the Association functions and the list shall also be placed before the General Body in its next meeting.

(10) The Treasurer shall be responsible to maintain all the accounts of the Association showing receipts and expenditure and to get the accounts audited annually, by an Auditor appointed by the Managing Committee with the approval of the Mamlatdar.

(11) The Mamlatdar concerned shall have power to call from the Managing Committee any records, statements, registers, account or reports which he may think necessary.

(12) The attorney shall look after the up-to-date maintenance of the list of tenants. He shall also attend to the disputes arising out of the discharge of the functions by the Association after obtaining concurrence of the Managing Committee and under intimation to the Mamlatdar.

(13) On the election of the new Committee, the old Committee shall hand over the charge of all the receipts, papers, property and cash balance within 15 days to the new Committee.

(14) In case of any complaints about non-compliance of the above formalities, the Mamlatdar may by a written order direct that the records, money or other property so detained be delivered to such successor within the time limit to be specified in such order and if the Chairman, Vice-Chairman, Treasurer, Attorney and Secretary fail to comply with the said order, the Mamlatdar shall:

a) direct that such money be recovered as an arrear of land revenue;

b) issue a search warrant for recovery of any records, stores or other property and exercise all such powers as may be lawfully exercised by an Executive Magistrate under the provisions of Chapter VII of the Cr. P. C.:

Provided that no action shall be taken under this rule unless the person concerned has been given a reasonable opportunity to show cause why such action should not be taken against him.

[1](15) If the Mamlatdar, after summary enquiry, is satisfied that the Managing Committee or any office bearer thereof has failed to discharge the duties or has abused the powers or has misappropriated the funds of the Tenants Association by not maintaining the accounts in the specified manner resulting in loss to the Tenants Association or has done any acts which are harmful to the agricultural land, he shall dissolve the Managing Committee or summarily remove any office-bearer of the Managing Committee and appoint an ad hoc Managing Committee or any of its office bearer to perform all the duties and exercise all the powers of the Managing Committee as enumerated in the preceding rules till the new Managing Committee or his office bearer takes charge:

Provided that such ad hoc Managing Committee shall continue to function till a new Managing Committee or any of its office bearer is appointed in accordance with the provisions of sub-rule (1) or till the expiry of six months from the date of its constitution, whichever is earlier."

7.Accounts of the Committee.—(1*)* The funds of the association shall consist of the income derived out of the lease of fishing rights at the sluice-gate, income from trees on the bunds and the contribution from the members of the Association. The accounts of the Association shall be maintained in the cash book and shall be in

Form V appended to these rules. All the pages of the cash book before the same is opened shall be serially numbered and authenticated by the Mamlatdar and the same shall bear his seal. The cash book shall be maintained regularly by Treasurer and it shall be countersigned by the Chairman every month.

The Treasurer shall issue receipts for all amount received on behalf of the Association. The receipt shall be in

Form VI appended to these rules. All payments out of the funds of the Association exceeding Rs. 50/- shall be made through cheques. [2]["The Mamlatdar, the Chairman and the Treasurer shall jointly operate an account opened in the name of the Association in the local branch of any scheduled bank or such other bank which the Mamlatdar may approve provided that, for withdrawal of an amount not exceeding Rs. 5000/-, the signature of the Mamlatdar shall not be necessary."] Before an account is opened, the Mamlatdar shall certify the names of the office bearers who are authorised to operate the Bank account. In the event of a person authorised to operate the account by the Mamlatdar ceasing to be an office bearer of the Association the Mamlatdar shall authorise another office bearer to operate the account. The certificate so issued shall be conclusive proof for the Bank to allow the operation of the Account of the

[1] Sub-rule (15) substituted by (Amendment) Rules, 1999 (0. G. Series I No. 45 dated 10-2-1999 - Supplement). Earlier the same was substituted by (Amendment) Rules, 1991 (Vide page 207). The original sub-rule (15) reads as follows:

"(15) If the Mamlatdar after due enquiry is satisfied that the Managing Committee has failed to discharge the duties or has abused the powers or has done any acts which are harmful to the agricultural land, he shall dissolve the Managing Committee and appoint an ad hoc Managing Committee to look after all the duties and exercise all the powers of the Managing Committee, till the new Committee takes charge:

Provided that such an ad hoc Managing Committee shall continue to function till a new Managing Committee is constituted in accordance with the provisions of sub-rule (1) or till the expiry of six months from the date of its constitution whichever is earlier."

[2] This expression has been substituted for the expression. "The Mamlatdar, the Chairman and the Treasurer shall jointly operate an account, opened in the name of the Association in the local branch of any Scheduled Bank or such other bank which the Mamlatdar may approve" by (Amendment) Rules, 2000 (Official Gazette, Series I No. 6 dated 16-5-2000 Extraodrinary 4).

Association. The accounts maintained by the Managing Committee shall be open for inspection by the members of the Association. The objections received shall be duly preserved and put up in the General Body meeting after they have been considered by the Managing Committee.

(2) As soon as the list of the members is finalised each member shall pay Rs. 10/- as enrolment fee to the Association and subsequently a regular contribution of Rs. 10/- per year will be payable by each member. The contribution shall be paid between 1st April to 30th April of each year. Any sum due from a member under this sub-rule may be, on an application made by the Chairman, recovered by the Mamlatdar as if it were an arrear of land revenue.

(3) The income accrued from the lease of fishing rights at the sluice-gate, lease of trees and from contribution received from members, shall be spent mainly for the maintainance and repairs of the bunds. If the bunds so collected fall short of the requirement, the Managing Committee may request the members to pay additional contribution in accor-dance with the requirements. The additional contribution shall be payable in proportion on the basis of the area of the holding cultivated by each member. All the holdings cultivated by one member shall be taken together for the purpose of calculation of the contribution. If the payments have not been made by the members either towards annual contribution or in respect of additional contribution within the specified time limit, an interest at the rate of 12% shall be charged from the defaulting members. The Treasurer shall deposit the amount recovered by him immediately in the Bank account of the Association. [1]["The Government shall have the first charge on the income accrued from the lease of fishing rights at the sluice-gate."]

8.Procedure for Lease of Fishing Rights and Trees on Bunds.— (1) The fishing rights on the sluice-gates shall be leased by public auction for a period of one year at a time to the highest bidder. For the purpose of auction at least 15 days prior to the date of auction a notice in

Form VII appended to these rules shall be displayed at the places where the notices for meetings ordinarily displayed. The date of auction shall be informed to the Mamlatdar also and the Mamlatdar shall either personally supervise or depute a representative to supervise the auction. The auction shall be held in the third week of December every year and the period of one year shall be commuted from 1st of January. A panchanama will be recorded on the site and signatures of all the office bearers of the Managing Committee, the Mamlatdar or his representative and the lessee shall be obtained on the Panchanama. The highest bidder shall deposit on the spot amount equal to 25% of the auction bid with the Managing Committee which shall be treated as Security Deposit and can be forfeited to the Association in case there is any breach of conditions of the contract. The auction amount shall be paid in four instalments payable on the 10th of January, 10th of April, 10th of July and 10th of October. An agreement in Form III appended to the rules shall be executed between the lessee and the Chairman of the Managing Committee in the presence of the Mamlatdar.

(2) The provisions relating to auction of fishing rights as contained in sub-rule (1) shall *mutatis mutandis* apply to leasing of trees on the bunds.

1 'These words have been inserted by (Amendment) Rules, 1999 (Official Gazette, Series I, No. 45 dated 10-2-1999 Supplement).

(3) If any complaint is received by the Mamlatdar or if a report is made to him to the effect that the person to whom the right to the fishing has been auctioned by the Managing Committee is abusing the powers or doing acts which are harmful to the agricultural lands, the Mamlatdar, on being satisfied after a summary enquiry, may terminate the right of fishing of such person forthwith without prejudice to such other auction which the Managing Committee may have against him.

(4) If in the opinion of the Mamlatdar any person is unauthorisedly exercising the rights of fishing, it shall be lawful for the Mamlatdar to summarily evict such person in the manner provided in sub-rule (5).

(5) The Mamlatdar shall serve a notice on such person requiring him within such time as may appear reasonable to stop the illegal fishing. If the person concerned continues illegal fishing, he shall be liable to be physically evicted by the Mamlatdar and further liable for action under any other law.

9. Execution of works of repairs, etc.— (1)The Managing Committee shall undertake the works of immediate repairs and maintenance. There will be no auction or agreement for the execution of works. The works shall be undertaken within 24 hours by the Managing Committee directly to the extent of 1["Rs. 5000"] under intimation to the Soil Conservation Division and the Mamlatdar concerned at the earliest but not later than 24 hours.

(2) All the works, the estimated cost of which exceeds 2["Rs. 5000"] shall be executed through the Soil Conservation Division. The Director of Agriculture will have powers to get the works executed directly to the extent of 3[Rs. 10,000/-] through the Soil Conservation Division and further to the extent of 4[Rs. 20,000/-] with the prior approval of the Development Commissioner. The Managing Committee shall report the matter immediately to the Soil Conservation Division and the Division shall takes immediate steps to get the work executed. The cost of such repairs shall be shared according to the rules in force and the Managing Committee shall contribute towards the cost in advance as per decisions of the Mamlatdar on the basis of details furnished by the Soil Conservation Division.

3["(2A) If the Director of Agriculture or the In-charge of Soil Conservation Division (Executive Engineer) fails to convey his readiness to execute the work of urgent nature, namely ruptures and breaches to the bunds within ten days and in other cases, within thirty days from the date of report by the Managing Committee, the Managing Committee may carry out the work under intimation to the Soil Conservartion Division and the Mamlatdar concerned."]

"[1] These letters and figures in sub-section (1) have been substituted for the letters and figures "Rs. 500/-" by (Amendment) Rules, 2000 (O. G. Series I No. 6 dated 16-5-2000 Extraordinary 4).

[2, 3, 4] In sub-section (2) these letters and figures have respectively been substituted for the letters and figures "Rs. 500/-", "Rs. 5,000/-" and "Rs. 10,000/-", *Ibid.* Earlier they have been amended by First Amendment Rules, 1979. (0. G. Series I No. 51 dated 22-3-1979).

[3] In sub-rule (2A) inserted by (Amendment) Rules, 1999 (O. G. Series I No. 45 dated 10-2-1999) (Supplement).

(3) If any Managing Committee does not agree to the executions of the works, the Chairman after examining the grounds of opposition or objection, shall submit the file to the Soil Conservation Division for their decision and the decision of the Soil Conservation Division shall be final.

(4) The Mamlatdar, if he so desires, may inspect the work any time for his own satisfaction.

10.Powers of the Mamlatdar.—The Mamlatdar shall have full power to take necessary action on the matters which have not been specifically provided in these rules in connection with the discharge of joint responsibility by the tenants.

11.Financial Assistance from Government.— Any Association constituted under these Rules may, subject to availability of funds, get the contribution from the Government towards the cost of repairs to bunds on the same terms and conditions as specified in Rule 12-A of the Goa, Daman and Diu Agricultural Tenancy (Fifth Amendment) Rules, 1968 as amended from time to time.

———

FORM I

[*See* Rule 3(2)]

Application for Registration To

The Mamlatdar,

…….....

Sir,

We the undersigned tenants cultivating the land protected by the bund known as ..... situated at village .... Taluka .... request that we desire to form an Association for discharging the joint responsibility of tenants as per provisions of Section 42-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 and, therefore, we request that our Association may be duly registered and a certificate of recognization may be issued. A list of tenants is enclosed herewith.

The Office of our Association shall be situated in the village of ...

Signature of the applicants

FORM II

[*See* Rule 3(2)]

I hereby certify that the (name of the association) has been registered at Sr. No. ... of the register in my Office and the same has been recognised by me. The registered Officer of the Association shall be in the...

Seal *Signature of the Mamlatdar*

FORM III

[*See* Rule 3(3)]

List of the Members of the Association Name of the Association

Name of the bund/bunds

Village

Taluka

Sr. No.	Name of the member	Name of the fields	Area in sq. mts.	Total area held by a member	Remarks
1	2	3	4	5	6

FORM IV

[*See* Rule 4 (2)]

To

All members of the Association.

Notice is hereby given that a meeting of the ……... will be held on …… at …….. a.m./p.m. in the ……..… for consideration of the following items on Agenda.

1.
2.
3.
4.

Seal *Signature of the Chairman/Mamlatdar*

_____

FORM V

[*See* Rule 7 (1)]

Cash Book

For the year 19.... 19...

Date	Particulars (full details with reference to etc.) any receipt	Receipt			
		Amount	Total	Classification	Date
1	2	3	4	5	6
Particulars (full details of claims scheme)	Expenditure			Signature of the person writing the cash book	Signature Chairm
	Amount	Total	Classification		
7	8	9	10	11	12

Countersigned by Chairman

FORM VI

[*See* Rule 7 (1)]

Receipt

Receipt Book No. Receipt No.

The .....

Received with thanks from

Rupees …….( )

on account of ……

Date .....

Reference to cash entry

Book

Page No. Treasurer

Instructions covering the use of Form:–

(a) Each Receipt Book shall have a Serial number and each receipt which shall be in duplicate for use with carbon paper, shall have a serial number within the book. Both book number and receipt number shall be machine numbered on each receipt, whether original or duplicate.

(b) The Seal of the Association shall be affixed to each Receipt before it is issued. The Carbon copy shall be retained and the original issued.

FORM VII

[*See* Rule 8 (1)]

Form of Notice for auction of fishing right/right to trees

Public Notice is hereby given that the auction for the fishing rights on the sluice gate/right to Trees on the bund ... shall take place on ... in the Office of the ... subject to the conditions mentioned below:—

Persons intending to offer bids are requested to remain present on the ……. above date, time and place.

Conditions: (to be put by the Managing Committee).

1.

2.

3.

4.

(Signature of the Chairman)

FORM VIII

[*See* Rule 8 (1)]

Form of lease Agreement for fruit bearing trees and fishing rights in sluice gates

This agreement made on the ... day of .... one thousand nine hundred and ... between the Tenants Association ... represented by its Chairman (hereinafter called as "lessor") of the one part and Shri... son of... aged.... resident of.... (give address and occupation) hereinafter referred to as the "lessee" which expression shall where the context so admits be deemed to include his heir, executors, successors, administrators, representatives and permitted assignees).

Whereas lessor is possessed of the rights of fishing in the vicinity of the sluice gate/trees on the bund named .... situated at .... in the village of .... Taluka ... district of ...

Whereas the lessee being highest bidder has agreed to accept fishing rights/rights of trees on lease basis.

And whereas the lessor has agreed to grant the said fishing rights/right of trees and the same is accepted by the lessee.

Now this indenture witnesses that in consideration of yearly rent as... payable annually towards the lease hereby described and in consideration of the terms and conditions mentioned hereunder, the lessor hereby conveys by way of lease the fishing rights/right to trees for a period commencing on ... and ending on ... for the purpose and subject to the terms and conditions set forth below.

1. The lessee take every precaution to prevent saline water from entering the fields and shall not do any acts prejudicial to the paddy fields.

2. The lessee shall be held reponsible for any damage caused to the said sluice gate/tree which may not be due to natural cause and the loss sustained by the lessor shall be recovered from lessee as per assessment of the Mamlatdar.

3. The lessee shall permit the lessor or his agents at all reasonable time to enter the said sluice gate for the purpose of examining the state and condition of the said sluice gate and the agricultural fields thereunder.

4. The lessee shall carry out all repairs to the sluice gate and shall maintain the same in proper condition.

5. If the lessee commits breach of any of the conditions of these presents, then without prejudice to any other remedy open to the lessor, the lessor may terminate this lease and the lessee shall be liable to the penalty to be imposed by the Mamlatdar.

6. The lessor or the lessee shall be at liberty to determine the lease on giving notice of 30 days advance in writing of its intention to do so.

7. Any sum recoverable from the lessee under this present shall be recovered as arrear of land revenue.

8. Lease is subject to the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 and rules framed thereunder.

9. The ... agrees to incur the expenditure on account of stamp duty payable on these presents.

10. The annual rent reserved under clause 1 shall be paid by the lessee on or before such date as may be specified by the lessor failing which it shall bear simple interest at the rate of 8¼ per cent p. a. after the due date.

SCHEDULE

In witness of the due execution of this agreement the parties have hereunder set their hands and seals the day and year first above written.

Signed, sealed and delivered by Shri ... Chairman of the ... Association.

Witnesses:

1)

2)

Signed and delivered by

1)

for and on behalf of the lessee.

in the presence of:

1)
2)

By order and in the name of the Administrator of Goa, Daman and Diu.

S. R. Arya, Secretary (Revenue).

Panaji, 19th July, 1975.

Directives to be followed by tenants in cultivating lands held by them

Revenue Department

Order

RD/TNC/RLS/61/69-75

In pursuance of the provisions to Rule 15A of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, the Government is hereby pleased to issue directives on the following matters for being implemented and followed by the tenants in cultivating the lands held by them:—

(i)The fields to be cultivated shall be properly levelled, devoid of stubbles and ploughed and brought to a fine tilth. The fields shall also be sub-divided into convenient plots surrounded by bunds for even distribution of water and also preventing washing away of inputs. These operations shall be conducted before the actual sowing operations are taken up.

ii) (a) In Kher and Khazan lands (not subject to saline water inundation) and where cultivation of paddy is undertaken by 'Xelli' methods, the fields shall be ploughed immediately after the harvest of the previous crop and the side bunds shall be strengthened before the actual sowing of the crop is taken up.

In case of Khazan lands marginal to river banks and subject to inundation of saline water, preliminaries of cultivation such as ploughing or digging, desilting of drains, maintenance and repairs to the protective bunds, shall be completed, latest by the end of May to ensure better de-salinization of field with the first monsoon showers and to prevent wind and water erosion.

In case of morod lands, the proper tillage shall be initiated as soon as the monsoon sets in i.e. within 15 days from the date of onset of monsoon, so as to prevent any excess of water to be lost by surface run-off.

The pudding operation shall be carried out when paddy is sown by 'row' (germinated seeds) method or by transplanted crop method:

(b) For other seasonal crops such as vegetables, pulses oil-seeds etc. the land shall be ploughed soon after the harvest of the previous crop when there is moisture in the soil, so as to ensure a fine tilth required for a good seed bed.

However, the minimum number of ploughing and harrowings, to be attained before sowing of any of the above crops, shall not less than three.

iii)The directive stipulated in item (ii) above shall invariably be adopted to eradicate weeds and shrubs. However, in low lying areas where humidity prevails removal of weeds shall be under taken either by hand picking (manual labour) or by application of weedicides in consultation with the Zonal Agricultural Officer of the respective area.

iv)(a) ***For paddy***— Depending upon the nature of topography of the soil, the following varieties of crops of such other varieties as may be recommended by the Diretorate of Agriculture as may be recommended by the Directorate of Agriculture from time to time, shall be raised namely:—

1)In 'morod' and Kher areas with limited supply or irrigation facilities-short duration crop.

2)In Kher areas with adequate water facilities and low-lying areas medium and long duration crop;

3)Tank bed areas sown during kharif season short duration crop;

4)In low lying areas subjected to prolonged flood— flood resistant variety;

5)Saline areas — salt resistant varieties.

b) ***For seasonal crops***— For other seasonal crops, such as vegetables, oilseeds and pulses, any variety suitable for a particular area shall be raised, depending upon the season, availability of reserves and irrigation facilities.

v)Seeds shall necessarily be treated before sowing by using such organic mercurial compounds as may be recommended by the Directorate of Agriculture.

vi) Dates for closing and opening of bandharas, tanks and weirs shall be earmarked in consultation with the Zonal Agricultural Officer of the area. The above operation

shall be undertaken under the supervision of a person nominated by the Village Panchayat of the area.

vii) The drainage and irrigation channels shall be maintained in good condition well in advance of the cropping season i.e. by the end of April for Kharif crop and by the end of October for Rabi crop; the above activity shall be accomplished under the supervision of the Rural Engineer of the area.

viii) The beds and channels, rivulets, rivers etc. shall in no case, be used for cultivation purposes to avoid silting of water course and obstruction to free flow of water.

ix) Only shallow rooted crops as may be recommended by the Directorate of Agriculture shall be allowed to be raided on bunds, embankments, during kharif season and after the harvest of the crop the stubbles shall be covered by a layer of clay known as 'thor' and 'hupto' which will strengthen the bund.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Rajasekhar, Under Secretary (Revenue).

Panaji, 13th June, 1975.

The Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977

Revenue Department

Notification

RD/TNC/RLS/290/76-77

Whereas certain draft rules proposed to be framed under the Goa, Daman and Diu Agricultural Tenancy Act, 1964 were published at page 29 of the Official Gazette, No. 5 Series I dated 5th May, 1977 of the Revenue Department, Government of Goa, Daman and Diu inviting objections and suggestions from all persons likely to be affected thereby till 15 days from the date of publication of the said Notification in the Official Gazette;

And whereas objections and suggestions received have been considered by the Government;

Now, therefore, in exercise of the powers conferred by section 61 read with section 18L of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964), the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1. **Short title and commencement.—** *(1)* These rules may be called the Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977.

(2) They shall come into force at once.

2.Definitions.— In these rules, unless the context otherwise requires:

(a) "Act" means the Goa, Daman and Diu Agricultural Tenancy Act, 1964;

(b) "Form" means a form appended to these Rules;

(c) "Section" means a section of the Act;

(d) words and expressions used, but not defined in these rules shall have the same meanings assigned to them in the Act.

3. Manner in which tenant to exercise right under Section 18B.— An intimation under sub-section (1) of section 18B shall be given in Form IA, by hand delivery or by Registered post.

4.Notice to be given by Mamlatdar after tiller's day and manner of recording statement of tenants.— (1) The public notice to be published or caused to be published by the Mamlatdar under section 18C shall be in

Form IIA. The Notice shall be published [1][…] by affixing a copy thereof on the notice board of the Mamlatdar's Office and the village Panchayats Office in which the land is situated. For the purpose of serving a notice to the concerned parties the procedure under Rule 5 of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965 shall, as far as practicable, be followed.

(2) The Mamlatdar shall record the statement of tenant under; sub-section (3) of section 18C on oath in any of the official languages of the territory. Such statement shall also be read over or explained to the tenant and his signature taken on it.

5. Manner of determining purchase price.— The Mamlatdar shall have due regard to the following factors while determining the net average annual income of the land under sub-section (2) of section 18D.

(a)value of any service or construction made by the landlord towards construction or repair of sluice gates, etc., if any;

(b)the expenses incurred by the landlord for maintenance of sluice gate, bunds, embankments, etc.;

(c)the benefit drived by the person in whom the right to operate the sluice gate, etc. was vested;

(d)the improvement of the land made by the tenant or landlord, if any;

(e)the increase in annual production and the value of other benefits derived by the tenants, etc.;

(f)the income from fisheries, if any, derived by the tenant or the landlord as the case may be;

[1] The words "in the village by beat of drum and" have been omitted by Amendment Rules, 1991 (vide Notification No. 36/6/90-RD dated 3-10-1991 at page 153).

(g)the nature of land, that is whether it is a single cropped or double cropped and the fertility of the soil;

(h)the irrigation facilities available;

(i)the location of the land vis-à-vis any public road, market place, etc.

(2) It shall be lawful for the Mamlatdar, as and when necessary, to secure the presence of the tenant, the landlord and any other person whom he considers necessary and examine them on oath by putting them questions for ascertaining:—

(a)whether the tenant is under any pecuniary obligation of the landlord;

(b)whether the landlord has made any adjustment with the tenant outside the proposed purchase price;

(c)whether the tenant has any objection to the purchase price;

(d)the financial position of the tenant;

(e)any other matter which the Mamlatdar thinks necessary to ascertain.

(3) The Mamlatdar may, if he thinks necessary, consult the Director of Agriculture or the Zonal Agricultural Officer, the Block Development Officers, the village Panchayats within the area concerned for obtaining their opinion or such other information while determining the purchase price.

6. Circumstances in which and conditions subject to which sanction shall be given by Mamlatdar under section 18K for transfer; etc.— The Mamlatdar may accord sanction for transfer of agricultural land under section 18K in any of the following circumstances, namely:—

(a)that the land is required for agricultural purpose by an industrial or a commercial undertaking in connection with any industrial or commercial operation carried on by such undertaking; or

(b)that the transfer is for the benefit of any Educational or Charitable Institution; or

(c)that the land is required by a Co-operative farming society; or

(d)that the land is being sold in execution of a decree of a civil court for the recovery of arrears of Land Revenue; or

(e)that the land is being sold by the landowner on the ground that he is permanently rendered in capable of cultivating the land personally any and none of the members of his family are willing to cultivate personally; or

(f)that the land is gifted in favour of a Religious or Charitable Institution;

(g)that the land being partitioned among the heirs/survivors of the deceased landowner;

(h)that the land is being leased by a landowner who is a minor; or a widow, or a person subject to any physical or mental disability or a member of the armed forces or among the land owners holding the land jointly.

7. Issue of certificate of purchase by Mamlatdar to tenant.— The certificate to be issued by the Mamlatdar to a tenant under sub-section (1) of section 18H shall be in

Form IIIA.

8. Mamlatdar to issue receipts.— The Mamlatdar shall, as and when a tenant makes a deposit either of the instalment of the purchase price or the lumpsum of the purchase price, pass a receipt to the tenant duly certifying the receipt of the amount so deposited.

———

FORM IA

(*See* Rule 3)

Intimation of desire to exercise the right of purchase conferred by sub-section (2) of section 18B.

Dated ……. To:

…….

Sir,

I am the tenant of the following land(s) of which you are the landlord:—

Taluka	Survey No.	Sub Div. No.	Area	Assessment

I am entitled to purchase the above land under sub-section (1) of section 18B of the Goa, Daman and Diu Agricultural Tenancy Act, 1964. I hereby inform you that I desire to exercise the said right in terms of clause … (here specify clause (a), (b), (c) or (d) as the case may be, of section 18B(1), I am forwarding a copy of this letter to the Mamlatdar of …… for taking further appropriate action.

Yours faithfully,

(Signature of tenant)

Copy forwarded to the Mamlatdar of …… for information and necessary action.

FORM IIA

(*See* Rule 4)

Notice under section 18C of the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

Whereas under section 18A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 every tenant is deemed to have purchased the land held by him as a tenant; and whereas the Mamlatdar is required by sub-section (5) of section 18C to ascertain whether the tenant is willing to purchase the land and, if so, to fix its purchase price;

Now therefore the persons mentioned below, viz.:—

(a) All tenants who are deemed to have purchased lands in the locality ...

(b) All landlords of such lands, and

(c) All other persons interested therein,

are hereby called upon to appear before the Mamlatdar of ... at ... on the date and time shown against the land in the Schedule appended hereto in which they are respectively interested.

If any person fails to be present before the Mamlatdar at the appointed date and time without sufficient cause, it will be deemed that he has nothing to say in the matter and the enquiry will be proceeded within his absence.

SCHEDULE

Survey No.	Sub-Div. No.	Area	Date	Time

Place ... Signature

Date ... Mamlatdar of ...

_____

FORM IIIA

(*See* Rule 7)

Certificate of purchase under sub-section (1) or section 18H of the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

Whereas Shri ... is the tenant of the land specified below belonging to the landlord Shri ... And whereas under the provisions of section 18E of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the tenant Shri ... was required to deposit and has deposited Rs.... (in words) being the first instalment of the purchase price/being lumpsum of the purchase price payable in respect of the said land, it is hereby certified that the said tenant Shri ... shall be deemed to be the purchaser of the said land under the provisions of the said Act. The said land shall not be transferred by sale, gift, exchange, mortgage, lease or assignment or partitioned without the previous sanction of the Mamlatdar as provided by section 18K of the said Act.

[1][SCHEDULE

Revenue Village	Place of hearing	Date	Time

Place .....
Date .....

Signature
Mamlatdar of .....]

By order and in the name of the Administrator of Goa, Daman and Diu.

V. V. Mongia, Secretary (Revenue).

Panaji, 16th January, 1978.

[1] Substituted by Notification No. 1/1/93-RD dt. 28-12-1993- (See Appendix pg. 209).

Revenue Department

ORDER

GAD/74/62/13598

Whereas the rents of the paddy fields belonging to "Comunidades" and "Mazanias" and leased by public auction have, in many cases, exceeded a just and equitable ceiling.

And whereas it is necessary and expedient to give relief to the direct cultivator in relation to the rents payable by him so that such rents do not exceed 50% of the average annual produce.

Now, therefore, in exercise of the powers conferred upon me by clause 2 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962, and notwithstanding anything contained in any law for the time being in force within this Territory I hereby make the following Order:

In all cases in which the annual rent of paddy field belonging to the "Comunidades" or "Mazanias" exceeds 50% of the assessment as per the schedule of assessment (calculo) already made according to law, the "Comunidade" or "Mazanias" as the case may be, shall not collect any rent in excess of 50% of the annual gross produce as per assessment.

THE LIEUTENANT GOVERNOR,

Panjim, 12th September, 1962. ***T. Sivasankar.***

ORDER

GAD/74/62/15250

In exercise of the powers conferred upon me by clause 2 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 and notwithstanding any law or contract to the contrary now in force in this territory I hereby order that the rent recoverable by any

landlord in respect of paddy field either in cash or in kind shall not exceed one half of the total produce of the paddy field.

The Lieutenant Governor,

T. Sivasankar.

Panjim, 9th October, 1962.

ORDER

GAD/74/62/15251

Whereas the rents of the paddy fields exceeded a just and equitable ceiling.

And whereas it isnecessary and expedient to give relief to the direct cultivator in regard to the rents payable by him so that such rents do not exceed 50% of the annual gross produce.

Now therefore, in exercise of the powers conferred upon me by clause 2 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962, and notwithstanding anything contained in any law for time being in force within this Territory, I hereby make the following Order:

1. In all cases in which annual rent of a paddy field exceeds 50% of the gross produce the owner of the field shall not collect any rent in excess of 50% of the gross produce.

2. In cases of doubt regarding the gross produce of any field the gross produce of the field shall be fixed by the common accord of the owner and the tenant and in case of disagreement between them the gross produce shall be fixed by the "Administrador do Concelho" whose decision on the dispute shall be final.

1[3. All tenants of paddy fields shall be entitled to a reduction of 20% in the rent payable by them to the landlord whether it is paid in cash or in kind].

The Lieutenant Governor,

T. Sivasankar.

Panjim, 9th October, 1962.

ORDER

GAD/74/62/17288

Whereas the economic stability of the cultivator and his continuity in tenancy of the lands under his cultivation will contribute to an increase in agricultural production and whereas the maintainance of such stability and continuity raises in the Territory of Goa instant agrarian problems which require a careful study by a committee of experts to be appointed in due course and whereas it is necessary to take urgent steps to prevent for the time being the arbitrary eviction of tenants by the landlords.

Now therefor, exercise of the powers conferred by the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 and notwithstanding anything to the contrary contained in any law for the time being in force in this Territory I hereby Order as follows:

1. Definition.—In this order unless the context otherwise requires the word "tenancy" shall mean and include "parceria agricola" as defined by article 1299 of the Portuguese Civil Code.

2. No tenant shall be evicted from the land under his cultivation merely on the ground that his tenancy in respect of the said land has expired by the efflux of time.

3. No surrender or relinquishment of any tenancy shall be valid unless it is made in writing before the "Administrador do Concelho" within whose jurisdiction the subject matter of the tenancy lies. Such surrender or relinquishment shall state the reasons why the surrender or relinquishment is made.

4. This order shall apply only to leases in respect of paddy fields and areca groves valid and subsisting on or after the 1st July, 1962 and shall apply to suits in respect of such lease filed or pending on or after the 1st July, 1962 and to those filed hereafter.

5. This order shall be in force for one year from the date of its publication.

The Lieutenant Governor,

T. Sivasankar.

Panjim, 6th November, 1962.

This Order stands cancelled by Order No. GAD-74-62-dated 15-11-1962 and substituted by Order No. GAD/74/62/17288 dated 14-11-1962. (Vide Govt. Gazette, Series I No. 30 dated 15-11-1962).

Secretariat

ORDER

GAD-74/62

The Order No. GAD/74/62/17288 dated 6th November, 1962, published in the Gazette No. 37, Series I, dated 8th November, 1962 should be treated as cancelled and substituted by the Order No. GAD/74/62/17288 dated 14th November, 1962.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

A. U. Desai, Additional Civil Administrator, GAD.

Panjim, 15th November, 1962.

Order

GAD/74/62/17288

Whereas the economic stability of the cultivator and his continuity in the tenancy of the lands under his cultivation will contribute to an increase in agricultural production and whereas the maintenance of such stability and continuity raises in the territory of Goa instant agrarian problems which require a careful study by committee of experts to be appointed in due course and whereas it is necessary to take urgent steps to prevent for the time being the arbitrary eviction of tenants by the landlords.

Now therefore, in exercise of the powers conferred by the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962, and notwithstanding anything to the contrary contained in any law for the time being in force in this territory I hereby order as follows:

1. Definition.— In this order unless the context otherwise requires the word "tenancy" shall mean and include "parceria agricola" as defined by article 1299 of the Portuguese Civil Code.

2. No tenant shall be evicted from the land under his cultivation merely on the ground that his tenancy in respect of the said land has expired by the efflux of time:

Provided always that this order shall in no way affect the right of the landlord to evict the tenant on account of the non-payment of rent or causing damage to property or for any other lawful reason.

3. No surrender or relinquishment of any tenancy shall be valid unless it is made in writing before the "Administrador do Concelho" within whose jurisdiction the subject matter of tenancy lies. Such surrender or relinquishment shall state the reasons why the surrender or relinquishment is made.

****4.** This order shall apply only to leases in respect of paddy fields and areca groves valid and subsisting on or after the 1st July, 1962 and shall apply to suits in respect of such leases filed or pending on or after the 1st July,1962 and to those filed hereafter.

5. This order shall be in force for one year from the date of its publication.

The Lieutenant Governor,

T. Sivasankar.

Panjim, 14th November, 1962.

Order

In its application to Diu, clause 4 of the Order No. GAD/74/62/17288 dated the 14th November, 1962 is hereby amended and shall read as follows:

4. This order shall apply only to leases valid and subsisting on or after the 1st July, 1962 and shall apply to suits in respect of such leases filed or pending on or after the 1st July, 1962 and to those filed hereafter.

The Lieutenant Governor,

T. Sivasankar.

Panjim, 9th January, 1963.

ORDER

GAD-74-63/25075

In exercise of powers conferred by the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 and notwithstanding anything to the contrary contained in any law for the time being in force in this Territory, the Lieutenant Governor hereby orders that Order No. GAD/74/62/17288, dated the 14th November, 1962 published in the Government Gazette, No. 38, Series I, dated the 15th November, 1962 shall remain in force till the 15th May, 1964.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. J. Fernandes,

Chief Secretary.

Panjim, 1lth November, 1963.

ORDER

GAD-74-64/13740

In exercise of powers conferred by the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 and notwithstanding anything to the contrary contained in any law for the time being in force in this Territory, the Lieutenant Governor hereby orders that Order No. GAD/74/62/17288 dated 14th November, 1962 published in the Government Gazette No. 38, Series I dated the 15th November, 1962 shall remain in force till the 15th November, 1964.

The Lieutenant Governor,

M. R. Sachdev.

Panjim, 22nd May, 1964.

ORDER

Whereas the tenants of paddy fields belonging to the Comunidades which were leased at the time when the last public auction of the fields of Comunidade took place for the current period of six years had, by virtue of article 294 clause 6 of the "Codigo das Comunidades" a preferential right to such paddy fields.

And whereas such right was lost to some tenants because of undue increase in rent.

And whereas the right of the direct cultivator who has tilled the land for three successive years immediately preceding the said auction must be protected.

An whereas by the Order No. GAD/74/62/13598 dated 12th September, 1962 the rent of the paddy fields was fixed at half the value of the produce of the paddy field as per the respective assessment (calculo).

Now therefore, in exercise of the powers conferred by the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962, and notwithstanding anything to the contrary contained in any law for the time being in force, in this Territory, I hereby order as follows:

1. The option referred to in para 6 of article 294 of the "Codigo das Comunidades" may be exercised in relation to the plots leased under the said article 294, within the period of 45 days from the date of the publication of this Order.

[*]

2. Any tenant exercising his preferential rights under clause 1 shall do so by an application made in this behalf to the Administrador das Comunidades within 45 days from the publication of this Order in the Government Gazette.

3. Tenants exercising the preferential right under this Order may take over possession of the paddy field in respect of which such right is exercised forthwith. Provided that in case of fields bearing two or more crops the tenant who ceases his tenancy shall hand over possession of the field by 30th April, 1963.

The Lieutenant Governor,

T. Sivasankar.

Panjim, 5th March, 1963.

ORDER

Whereas by the Order dated the 5th March, 1963, published in the Government Gazette, Series I dated the 14th March, 1963, persons who were in the tenancy of the paddy fields belonging to Comunidades were given preferential right (direito de opçâo) under article 294 of the "Codigo das Comunidades" in respect of the paddy fields of

which they were the tenants and whereas the exercise of the rights given under the said Order dated the 5th March, 1963 will operate harshly against the present lease holders who have no other land under their cultivation and who were cultivating the lands presently under their tenancy, in previous years for a longer period that the persons cultivating them in the year mentioned as "last year" in the said article 294. Now therefore, in exercise of powers conferred by the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 I hereby order that the following proviso shall be added to clause 1 of the said Order dated the 5th March, 1963 published in the Government Gazette dated 14th March, 1963.

"Provided that in case the existing tenant does not have any other land for cultivation or has cultivated the land in respect of which the right of option is given to any other person under clause 1 above, for a period of at least six years after the year 1949, such tenant shall be entitled to retain 50% of the land now held by him, the other 50% being given to the previous tenant exercising his preferential right under clause 1 above".

P. J. Fernandes,

Administrator of Goa, Daman and Diu.

Panjim, 9th April, 1963.

ORDER

L. D. 125/65

In exercise of the powers conferred by clause 22 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962 and all other powers enabling in that behalf, I hereby order as follows:

(a) This order shall be called the Protection of Rights of Tenants (Cashewnuts and Arecanuts) Order, 1965.

(b) It shall come into force at once.

2. In this order, unless the context otherwise requires, "tenant" shall have the same meaning as in the Goa, Daman and Diu Agricultural Tenancy Act, 1964 as if that definition applied to persons holding a lease of arecanut or cashewnut gardens and "landlord" shall be construed accordingly.

3. (1) Notwithstanding any contract or agreement to the contrary, the tenancy of any person in respect of any arecanut or cashewnut garden shall not be terminated by the landlord, save as provided in sub-paragraph (2).

(2) The landlord may seek to evict a tenant on account of non-payment of rent or for causing damage to property, by presenting an application in that behalf to the Mamlatdar and may evict a tenant after obtaining orders thereon.

4. No surrender or relinquishment of any right of tenancy shall be valid unless it is approved by the Mamlatdar in writing.

5. In the matter of rent payable by the tenant to landlord in respect of any cashewnut or arecanut garden, the position obtaining immediately before the issue of this order, shall continue.

The Lieutenant Governor,

K. R. Damle.

Panjim, 31st March, 1965.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

Notification

LA/A/7/2029/71

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the Assent of the President of India on the 2nd October, 1971 and is hereby published for general information.

The Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Act, 1971*

[Act No. 11 of 1971] (2nd October, 1971)

An

Act

to provide for the protection from eviction of tenants of cashewnut and arecanut gardens and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-second Year of the Republic of India as follows:—

1. Short title, extent, commencement and duration.— (1) This Act may be called the Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Act, 1971.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force at once.

(4) It shall remain in force for a period of [1][six years].

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

(a) "appointed day" means the 11th July, 1969;

(b) "landlord" means a person from whom a tenant holds an arecanut or cashewnut garden on lease on the appointed day.

(c) "Mamlatdar" has the meaning assigned to it in clause (c) of section 2 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966; (9 of 1966);

(d) "tenant" means a person who, on the appointed day, holds an arecanut or cashewnut garden on lease:

Provided that, if any such garden is held by a person on sub-lease, such person, and not the lessee, shall be deemed to be the tenant for the purposes of this Act.

(e) "garden" means a land where arecanut or cashewnut trees are grown;

(f) "rent" means any consideration in money or kind or both, paid or payable by the tenant on account of his right to tend the garden and collect the fruits thereof.

3. Grounds of eviction and restoration of possession.— (1) Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract or a decree or order of any court, a tenant shall not be liable to eviction save as provided in sub-section (2).

(2) A landlord may apply in writing to the Mamlatdar for the eviction of his tenant on the ground of causing damage to the garden on lease or for non-payment of rent within sixty days from the date on which the rent is due under the terms of the tenancy:

Provided that no order of eviction on the ground of non-payment of rent shall be made if the tenant deposits with the Mamlatdar at any stage of the proceedings for eviction, the rent due, or if the rent is payable in kind, its market value on the date of deposit, together with cost of the application and other cost, if any, to be determined by the Mamlatdar.

(3) Any tenant who has been evicted from the garden on lease at any time on or after the appointed day, may, within six months of the commencement of this Act, or of the date of his eviction, whichever is later, on grounds other than the ones mentioned in sub-section (2), make an application in writing to the Mamlatdar for restoration of possession:

Provided that, in case of gardens leased on or after the appointed day but before the 28th February, 1971, the restoration of possession shall take place on the 1st March, 1972.

(4) The Mamlatdar shall, on receipt of an application under sub-section (2) or sub-section (3) make such inquiries as he may consider necessary in respect of such application and make an order disposing of the same.

[1] These words were substituted for the words "four years" by G. D. D. 20 of 1975 S. 2 (Official Gazette, Series I No. 32 dated 6-11-1975). Earlier, the words "four years" have been substituted for the words "two years" by G. D. D. 14 of 1973 S. 2 [Official Gazette (Extraordinary), Series I No. 26 dated 29-9-1973].

* This Act stands repealed by (Amendment) Act 17 of 1976 w.e.f. 8-10-1976 (O. G., Series I No. 29 dated 14-10-1976).

(5) No order of disposal shall be made by the Mamlatdar under sub-section (2) or (4) unless the party against whom the order is proposed to be passed has been given an opportunity of being heard in the matter.

4. Mamlatdar to decide whether a person is a tenant.— (1) If in any proceedings before a Civil Court, a question arises as to whether a person is or is not a tenant within the meaning of this Act, such Court shall refer the said question to the Mamlatdar for his decision.

(2) Every decision or order made by the Mamlatdar under sub-section (1) or under sub-section ( ) of section 3 shall be subject to the revision of the Collector under sub-section (2) of section 22 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966, (9 of 1966) as if such a decision or order had been made in a suit or proceeding under that Act, subject to the condition

that revision application under this Act shall be filed within thirty days from the date of the decision or order as aforesaid.

(3) Every decision or order made by the Mamlatdar under this Act shall, subject to any orders that may be passed by the Collector under sub-section (2), be final.

(4) Every order made by the Mamlatdar under this Act shall be executed as if it had been made under the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966).

5. Bar of Jurisdiction.— No Civil Court shall have jurisdiction to entertain, decide or deal with any question which is to be decided by the Mamlatdar under this Act.

6. Bar on appearance by Pleaders.— Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under this Act before the Mamlatdar or the Collector:

Provided that the Mamlatdar or the Collector may, in the interest of justice and for reasons to be recorded in writing, allow the parties to be represented at their own cost by a pleader:

Provided further that if any officer of Government is appointed or declared by a competent court or is authorized under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such officer shall be entitled to appear through a representative authorized by him in writing in this behalf in any proceedings before the Mamlatdar or the Collector.

Explanation.— For the purpose of this section the expression "pleader" includes an advocate, Vakil or any other legal practitioner.

7. Limitation.— In computing the period of limitation prescribed under any law for the institution of suits or proceedings, prohibited under section 3, the period during which such suits or proceedings remain prohibited under this Act shall be excluded.

8. Court-fees.— Every application made to Mamlatdar under this Act shall bear Court-fee Stamps of fifty paise and every memorandum of an appeal or an application under this Act made to the Collector shall bear Court-fee Stamps of two rupees.

9. Power to make rules.— (1) The Government may, by notification in the Official Gazette, make rules generally to carry out the purpose of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa, Daman and Diu while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session, immediately following, the Assembly agrees in making any modification in any such rule or the Assembly agrees that the rule should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

1**"[10. Exemptions.—** The provisions of this Act shall not apply to lands leased or held by the Government or lands vested in the custodian under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (6 of 1964)."]

Secretariat, O.P.GARG

Panaji,
12th October, 1971.

Secretary to the Legislative Assembly of Goa, Daman and Diu

Planning and Development Department

Notification

TNC/110/65

In pursuance of the provisions contained in sub-section (5) of Section 20* of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby fixes the 28th July, 1964, as the date with reference to which all partitions and transfers of property referred to in that sub-section shall be ignored and deemed not to exist unless such partition or transfer is approved by the Tribunal.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.

Panjim, 15th January, 1965.

* Section 20 deals with "Resumption of Land". This Section and Sections 19, 21 and 22 which formed part of Chapter III (dealing with "Resumption by Landlord") of the Agricultural Tenancy Act, have been omitted by G. D. D. Act 17 of 1976. *(*see page 212).

Revenue Department

Order

RD/TNC/SO/348/167

In exercise of powers conferred by Section 62 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, Government is hereby pleased to order as follows:—

1. (a) This order may be called the Ascertainment of Gross Produce of Land Order, 1967.

(b) It shall come into force at once.

2. When the gross produce of any land cannot be ascertained by any of the methods laid down in sub-section (2) of Section 23 of the Act, the Mamlatdar shall ascertain it by taking the evidence of persons present at the time of harvesting or by evidence regarding the produce of land of similar quality in the same village and locality in which the land of which the gross produce is to be ascertained is situated in the particular harvest or harvests.

By order and in the name of the Administrator of Goa, Daman and Diu.

Hardayal Chaudry, Secretary (Revenue).

Panaji, 20th March, 1967.

Notification

RD/TNC/MND/236/67

In exercise of the powers conferred by sub-section (9) of Section 17*[1] of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby directs that the provisions of section 17 of the said Act shall apply in respect of the dwelling houses and the sites thereof occupied by agricultural labourers and artisans in the District of Goa.

By order and in the name of the Administrator of Goa, Daman and Diu.

W. D. Ranadive, Secretary (Revenue).

Panaji, 5th November, 1967.

*[1] Section 17 deals with "Dwelling house of the tenant in landlord's site". This section has been repealed by the G. D. D. Mundkars (Protection from Eviction) Act, 1975 (Act 10 of 1976).

Notification

No. RD/TNC/38/70-74

In exercise of the powers conferred by sub-section (4) of Section 23 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964) the Government of Goa, Daman and Diu hereby notify that the rent payable by a tenant to the landlord shall be paid within 30 days from the date of final operations in respect of each harvest and that such rent may be paid in cash or in kind at the option of the landlord at the conversion rates of Rupees seventy four per quintal as may, from time to time, be revised by the Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. R. Arya, Secretary (Revenue).

Panaji, 21st July, 1975.

Law and Judicial Department

Order

LD/LAQ/27/70

In exercise of the powers conferred under Section 117 of the Transfer of Property Act, 1882 (4 of 1882) the Lieutenant Governor of Goa, Daman and Diu hereby declare that all the provisions of Chapter V of the said Act, 1882 shall subject to the provisions of Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964), be with effect from this day the 22nd April, 1971 applicable in the case of all leases for Agricultural purposes.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Borkar, Under Secretary (Law).

Panaji, 22nd April, 1971.

Collectorate of Goa

Notification

R. B. SRV/8/3430

In exercise of the powers conferred by rule 4 of the Goa, Daman and Diu Agricultural Tenancy (Revenue, Survey and Record of Rights) Rules, 1967, the Collector of Goa is pleased to appoint the officers shown in Column No. 2 of the Schedule appended hereto, to conduct the revenue survey in the areas shown in the corresponding entry in Column No. 3 of the said Schedule, for the preparation of Record of Rights connected therewith or for the revision of existing Record of Rights.

SCHEDULE

Sr. No.	Designation of the Officer	Jurisdiction
1	2	3
1.	Awal Karkuns	In their respective talukas
2.	Circle Inspectors	-do-
3.	Talathis	In their respective jurisdiction

P. S. Bhatnagar, Collector of Goa.

Panaji, 26th September, 1970.

No. 6/4/80-AGR/(2)

Government of Goa, Daman and Diu
Forest and Agriculture Department,
Secretariat, Panaji.

Dated: 2-1-1981

Order

Whereas the Goa, Daman and Diu Agricultural Tenancy (Eighth Amendment) Rules, 1971 provide for regulation of standards of efficient cultivation and management.

Whereas the Cabinet have decided that the fish culture should also be encouraged in the khazan land; except where salty water pollutes the wells and cause the other damage.

Whereas the Cabinet also decided that the Committee Report 1975, be implemented for which legal action to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964, is necessary.

And whereas, during the interim period the Cabinet decided to appoint a Committee under the Chairmanship of the Hon. Minister (Agriculture).

Now, therefor, the following Committee is appointed to decide in which khazan lands water can be allowed to be introduced.

1. Minister of Agriculture — Chairman.
2. Collector of Goa — Member.
3. Director of Agriculture — Member.
4. Director of Fisheries — Member.
5. Mamlatdar of concerned Talukas — Member Secretary.

The decision of the Committee will be implemented by the Member Secretary.

This Committee will remain in force till the amendment to the Goa, Daman and Diu Agricultural Tenancy Act, 1964, is done.

This Order is issued in supersession of the Order No. 6/4/80-AGR(2) dated 26-12-1980.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Forest and Agriculture).

No. 4-5-7-94-UDD
Government of Goa,
Secretariat, Panaji-Goa.

Circular

A question has arisen as to whether a tenant who is the deemed owner of land under the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), can revert the land back to the original landlord.

The matter has been examined and it is hereby advised that under no circumstances can a tenant who is the deemed owner of the land under the Act, 1964 revert the land back to the landlord but the land shall be disposed off in the manner provided in sub-section (2) of section 18 J of the said Act, 1964 in circumstances specified in sub-section (1) of said section 18 J of the Act, 1964. Hence, a compromise decree leading to deletion of the name of the tenant from Forms I & XIV is inconsistent with the provisions of law. Moreover, by virtue of section 2 of the Goa Land Use (Regulation) Act, 1991 (Act 3 of 1991), no land which is vested in a tenant under the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) shall be used or allowed to be used for any purpose other than agriculture.

The above information is circulated for guidance when considering any proposals for reversion of land to the original landlord by the tenants.

E. A Cardozo, Under Secretary (Revenue) to the Government of Goa.

Panaji, 20th December, 1994.

Revenue Department

Notification

36/88-RD (Misc)

In exercise of the powers conferred by sub-section (3) of section 56 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) (hereinafter called the "said Act"), the Government of Goa is pleased to grant exemption in respect of land which is the property of a religious institution and wherein no tenancy rights exist, from the operation of the provisions of the said Act, with immediate effect.

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

Maria A. Rodrigues, Under Secretary (Revenue).

Panaji, 28th September, 1995.

Notification

RD/TNC/SO/206/66

In exercise of the powers conferred by section 57 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby delegates its powers under Section 3(1) of the said Act, to the Collector of Goa District, with immediate effect:—

Provided, however, that notwithstanding this delegation, the Government may itself exercise the said powers should it deem fit to do so in any case.

By order and in the name of the Administrator of Goa, Daman and Diu.

Hardayal Chaudry, Secretary (Revenue).

Panjim, 15th September, 1966.

Notification

RD/TNC/SO/203/66

In exercise of the powers conferred by Section 57 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, Government is pleased to delegate the powers conferred upon it under Section 49 (2) of the said Act to the Secretary to the Government, Revenue Department.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. K. Bhanot, Chief Secretary.

Panjim, 20th October, 1966.

Secretariat

Notification

RD/TNC/SO/205/66

In exercise of the powers conferred by Section 57 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, Government is pleased to delegate the powers upon it under Section 50(2) of the said Act to the Secretary to the Government, Revenue Department.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. K. Bhanot, Chief Secretary.

Panjim, 21st December, 1966.

Revenue Department

Notification

RD/TNC/SO/167/78

In exercise of the powers conferred by Section 57 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964), Government hereby delegates its powers conferred upon it under Section 36 of the said Act to the Government, Revenue Department:

Provided, however, that notwithstanding this delegation, the Government may itself exercise the said powers should it deemed fit to do so in any case.

By order and in the name of the Administrator of Goa, Daman and Diu.

E. N. Rodrigues, Under Secretary (Revenue).

Panaji, 5th September, 1978.

ORDER

1/7/80-RD

In exercise of the powers conferred by Section 57 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No.7 of 1964), the Government of Goa, Daman and Diu hereby delegates the powers conferred on Government under Section 26 (3A) (d) of the said Act, to the Secretary (Revenue) to the Government of Goa, Daman and Diu including powers to hear and decide appeals pending before the Government on the date of issue of Notification.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 1st September, 1980.

Notification

RD/TNC/M/RTN/12/65/Sec. 2(4)/67

In exercise of the powers conferred by clause (4) of section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964), Govemment hereby appoints the Deputy Collector, North Goa, Sub-Division, and the Dy. Collector, South Goa, Sub-Division, to perform the functions of the Collector under the said Act in the areas within their respective jurisdiction.

By order and in the name of the Administrator of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 23rd September, 1967.

Notification

RD/TNC/M/RTN/12/65/Sec.2(15)/67

In exercise of the powers conferred by clause (15) of Section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964), Government hereby appoints the Awal Karkuns appointed in each Taluka to perform the duties of a Mamlatdar under the said Act within the jurisdiction of their respective talukas.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 23rd September, 1967.

Notification

RD/TNC/M/RTN/12/65/Sec.2(4)/68

In exercise of the powers conferred by clause (4) of Section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (No. 7 of 1964) and in partial supersession of Government Notification No. RD/TNC/M/RTN/12/65/Sec.2(4)/67 dated 23rd September, 1967 (Published in the Government Gazette, No. 26, Series II, dated 28-9-1967) Government hereby appoints Sub-Divisional Officer, North Goa Sub-Division, Panaji to perform the functions of the Collector under the said Act in the North Goa Sub-Division.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. Sardessai, Under Secretary (Revenue).

Panaji, 16th October, 1968.

Notification

RD/TNC/RR/270/69

In exercise of the powers conferred by rule 4 of the Goa, Daman and Diu Agricultural Tenancy (Revenue, Survey and Record of Rights) Rules, 1967, the Administrator of Goa, Daman and Diu is pleased to direct that the following Officers shown in Column No. 2 of the Schedule appended hereto should conduct the revenue survey in the areas shown in the corresponding entry in column No. 3 of the said Schedule, for the preparation of the Record of Rights connected therewith or for the revision of any existing Record of Rights.

SCHEDULE

Sr. No.	Designation of the Officer	Jurisdiction
I	2	3
1.	Collector of Goa	Throughout the Goa District.
2.	Director of Land Survey	— do —
3.	Sub-Divisional Officers	In the taluka under their jurisdiction.
4.	Mamlatdars	In their respective talukas
5.	Survey Officers (Inspectors Cadastral Survey)	In the whole of the Goa District

By order and in the name of the Administrator of Goa, Daman and Diu.

V. Sardessai, Under Secretary (Revenue).

Panaji, 12th November, 1969.

Notification

RD/TNC/12/65-69

In exercise of the powers conferred by clause (15) of Section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964), the Government of Goa, Daman and Diu is hereby pleased to appoint all the Joint Mamlatdars in the District of Goa to perform the duties of the Mamlatdar for the purpose of the said Act, within their respective jurisdictions.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. Sardessai, Under Secretary (Revenue).

Panaji, 6th January, 1970.

Notification

RD/TNC/12/65

In exercise of the powers conferred by clause (4) of section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964), the Government of Goa, Daman and Diu is hereby pleased to appoint all the Additional Deputy Collectors in the District of Goa to perform the duties of the Collector for the purpose of the said Act within the Jurisdiction of their respective sub-division.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. Sardessai, Under Secretary (Revenue).

Panaji, 8th June, 1970.

Notification

No. RD/TNC/12/65

Read: Notification No. RD/TNC/12/65 dated 15-1-1988.

In exercise of the powers conferred by clause (4) of Section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964), (hereinafter called the "said Act") the Government of Goa is pleased to appoint all the Additional Deputy Collectors, Mapusa, Sub-Division, Mapusa to perform the functions of the Collector, under the provisions of the said Act within the jurisdiction in the North Goa District.

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

P. S. Nadkarni, Under Secretary (Revenue) to the Government of Goa.

Panaji, 28th August, 1989.

Notification

1/1/96-RD (4536)

In exercise of the powers conferred by clause (15) of Section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), the Government of Goa is hereby

pleased to appoint all the Mamlatdars in the State of Goa to perform the duties of Mamlatdar under the said Act, within their respective jurisdictions, with immediate effect.

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

Maria A. Rodrigues, Under Secretary (Revenue) to the Government of Goa.

Panaji, 22nd October, 1996.

Law (Legal and Legislative Affairs) Department

Notification

7-1-91/LA

The Goa Agricultural Tenancy (Amendment) Act, 1991 (Goa Act No. 4 of 1991) which has been passed by the Legislative Assembly of Goa on 19-2-1991 and assented to by the Governor of Goa on 19-4-1991, is hereby published for general information of the public.

P. V Kadnekar, Under Secretary (Drafting).

Panaji, 23rd April, 1991.

Notification

1/1/91-RD (7330)

Whereas certain draft rules further to amend the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, were published as required by sub-section (2) of section 61 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), in the Official Gazette, Series I, No. 9 dated 28-5-1992, under Notification No. 1/1/91-RD (7330) dated 20-5-1992 of the Revenue Department, Government of Goa, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas no objections and suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by section 61 read with section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following

rules so as to further amend the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, namely:—

1. **Short title and commencement.—** (1) These rules may be called the Agricultural Tenancy (Amendment) Rules, 1992.

(2) They shall come into force at once.

2. **Amendment of rule 12A.—** In rule 12A of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, in sub-rule (1A), for the letters and figures "Rs. 3,000/-", the letters and figures "Rs. 6,000/-" shall be substituted.

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

B. N. Bhat, Under Secretary (Revenue) to the Government of Goa.

Panaji, 10th July, 1992.

Revenue Department

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Notification

1/5/90-RD

Whereas certain draft rules further to amend the Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975 were published as required under sub-section (2) of Section 61 of Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) at page 45 of the Official Gazette, Series I, No. 4 (Extraordinary No. 2) dated 26-4-1991 of the Revenue Department, Government of Goa, inviting objections and suggestions from all persons likely to be affected thereby till fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas no objections or suggestions have been received from the public, on the said draft.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 42-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975, namely:—

1.Short title and commencement.— (1) These rules may be called the Goa Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) (Amendment) Rules, 1991.

(2) They shall come into force at once.

2.Amendment of rule 6.— In rule 6 of the Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975 for sub-rule (15), the following sub-rule shall be substituted, namely:—

"(15) If the Mamlatdar, after due enquiry, is satisfied that the Managing Committee has failed to discharge the duties or has abused the powers or has done any acts which are harmful to the agricultural land, he shall dissolve the Managing Committee and exercise all its powers till a new Managing Committee is constituted in accordance with the provisions of sub-rule (1):

Provided that notwithstanding anything contained in rule 8 the Mamlatdar may proceed to lease the fishing rights on sluice gates by public auction to be held either in the third week of December or on any other date for a period of one year, a quarter or quarters of a year, subject to fulfilment of other conditions laid down in rule 8, in which case the auction amount shall be paid on the corresponding dates for payment of instalments as specified in rule 8 and the Agreement in

Form VIII may be suitably modified to meet the requirements".

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

K. M. Nambiar, Under Secretary (Revenue) to the Government of Goa.

Panaji, 4th June, 1991.

Notification

36/6/90-RD

Whereas certain draft rules further to amend the Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977, were published as required by sub-section (2) of section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), in the Extraordinary Gazette No. 2, Series I No. 22, dated 30-8-1991, under Notification No. 36/6/90-RD, dated 28-8-1991 of the Revenue Department, Government of Goa, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas no objections and suggestions have been received from the public, on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by section 18L of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977 namely :—

1.Short title and commencement.— (1) These rules may be called the Goa Agricultural Tenancy (Special Rights and Privileges of Tenants) (Amendment) Rules, 1991.

(2) They shall come into force at once.

2.Amendment of rule 4.— In sub-rule (1) of rule 4 of the Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977, the words "in the village by beat of drum and" shall be omitted.

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

K. M. Nambiar, Under Secretary to the Government of Goa, Revenue Department.

Panaji, 3rd October, 1991.

Notification

1-1-93-RD

Whereas certain draft rules further to amend the Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977 were pre-published as required by sub-section (2) of section 61 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), in the Official Gazette No. 21, Series I dated 19-8-1993 under Notification No. 1-1-93-RD, dated 27-7-1993 of the Revenue Department, Government of Goa inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 15 days from the date of publication of the said Notification in the Official Gazette;

And whereas no objections and suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by section 61 read with section 18L of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), and all other powers enabling it in that behalf the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977, namely:—

1.Short title and commencement.— (1) These rules may be called the Goa Agricultural Tenancy (Special Rights and Privileges of Tenants) (Amendment) Rules, 1993.

(2) They shall come into force at once.

2.Amendment of Form IIA. — In Form IIA appended to the Goa, Daman and Diu Agricultural Tenancy (Special Rights and Privileges of Tenants) Rules, 1977, for the Schedule, the following Schedule shall be substituted, namely:—

SCHEDULE

Revenue Village	Place of Hearing	Date	Time

Place :

Signature

Date :

Mamlatdar of …….

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

P. Fernandes, Under Secretary (Revenue) to the Government of Goa.

Panaji, 28th December, 1993.