



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

The Goa Land Revenue Code (Amendment) Bill, 2013

(Bill No. 13 of 2013)

^{AS}
~~To be~~ introduced in the Legislative Assembly of the State of Goa

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM-GOA

APRIL, 2013

**The Goa Land Revenue Code
(Amendment) Bill, 2013**

(Bill No. 13 of 2013)

A

BILL

*further to amend the Goa Land Revenue Code, 1968
(Act 9 of 1969).*

5 Be it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India, as follows:-

1. Short title and commencement.— (1) This Act may be called the Goa Land Revenue Code (Amendment) Act, 2013.

10 (2) It shall come into force at once.

2. Amendment of section 32.— In section 32 of the Goa Land Revenue Code, 1968 (Act 9 of 1969) (hereinafter referred to as the “Principal Act”),—

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

“(5) If the person fails to inform the Mamlatdar, within the period specified in sub-section (4), he shall be liable to pay, in addition to the non-agricultural assessment, such fine as the Government may, by

notification in the Official Gazette, specify, from time to time.”;

(ii) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) (i). For the purpose of conversion, the land in the State of Goa shall be categorized as below:— 5

“A” Category: Coastal Panchayat areas and areas of five major towns, such as, Panaji, Mapusa, Ponda, Vasco and Margao;

“B” Category: Census Towns areas and areas of village panchayats adjoining said five major towns and other Municipal areas; 10

“C” Category: Other Village Panchayat areas.

(ii) When the land is permitted to be used from one purpose to another, a sanad shall be granted to the holder thereof in the prescribed form, on payment of the fees hereinbelow:— 15

(a) “A” Category areas:— Double the rate specified in Table below.

(b) “B” Category areas:— 1.5 times of the rate specified in Table below. 20

(c) “C” Category areas:— As specified in Table below.

TABLE

Category	500 Square metres and less	Above 500 square metres but upto 2000 square metres	Above 2000 square metres
(1)	(2)	(3)	(4)
(i) Residential	S1 - ₹ 60/- S2 - ₹ 45/- S3 - ₹ 35/- S4 - ₹ 25/-	1.5 times extra as mentioned in column (2)	Double the amount as mentioned in column (2)
(ii) Commercial	C1 - ₹ 250/ C2 - ₹ 200/ C3 - ₹ 150/- C4 - ₹ 100/-	1.5 times extra as mentioned in column (2)	Double the amount as mentioned in column (2)
(iii) Industry	₹ 50/-	1.5 times extra as mentioned in column (2)	Double the amount as mentioned in column (2)

Provided that no such fees shall be leviable in cases where sanad is granted for the purpose of churches, temples, mosque, gurudwaras.

5 Provided further that when the land to be used for the purpose of sports, health, education, charitable or cultural institutions, the Government may, by notification in the Official Gazette, exempt from payment of said fees.”

10 3. *Amendment of section 33.*— In section 33, of the Principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

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

4. *Amendment of section 40.*— In section 40 of the Principal Act, in sub-section (2) the following proviso shall be inserted, namely:—

“Provided that in case the land is unauthorizedly occupied for the purpose of dumping mining rejects or like material, the Collector shall proceed to remove such unauthorized occupation.” 5

5. *Amendment of Section 61.*— In section 61 of the Principal Act, in sub-section (3), for the existing proviso, the following proviso shall be substituted, namely:— 10

“Provided that nothing in this sub-section shall apply to any land acquired under the Land Acquisition Act, 1894 (Central Act 1 of 1894), and the Director of Settlement and Land Records shall carry out partition within six months of the receipt of mutated land index form from the concern Mamlatdar and effect necessary changes in the land record on the basis of records relating to possession obtained under section 16 of the Land Acquisition Act, 1894 (Central Act 1 of 1894).” 15 20

6. *Amendment of Section 62.*— In section 62 of the Principal Act, the following proviso shall be inserted, namely:-

“Provided that whenever an application is received for partition of any land having an area exceeding 4,000 square meters, approval from Town and Country Planning Department of the Government shall be obtained. 25

Provided further that in case the sub division of the plot applied for is based on Will, Inheritance, or partition within the family, above said approval is not required.

5 Explanation: For the purposes of this section, the ‘family’ means and includes the blood relation either from maternal or paternal side.”.

7. *Amendment of section 96.*— In section 96 of the Principal Act,—

10 (i) for the expression “the Mamlatdar of Taluka, and upon receipt of such report, he shall proceed to dispose such case as prescribed:”, the following shall be substituted, namely:—

15 “the Mamlatdar of Taluka alongwith fee as mentioned herein below, and upon receipt of the same, he shall proceed to dispose such case as prescribed:—

(a) for parcel of property upto 1,000 square meters ₹ 400/-

20 (b) for parcel of property above 1,000 square meters and upto 10,000 square meters ₹ 1,000/-

25 (c) for every parcel of property of 10,000 square meters or part thereof, above 10,000 square meters. ₹ 2,000/-”;

(ii) for the first proviso, the following proviso shall be substituted, namely:—

“Provided that no such fee shall be payable where the right to the land is acquired under,—

(i) the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964); or 5

(ii) the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976).”

8. *Insertion of new section 97.*— After section 96 of the Principal Act, the following new section shall be inserted, namely:— 10

“97 - *Acquisition of the rights by the Government.*— Notwithstanding anything contained in any judgment, Order, Interim Order, or pending proceeding before any court or the like, the Mamlatdar of the taluka shall, within a period of fifteen days from receipt of records relating to possession obtain under Section 16 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), mutate the relevant survey record in favour of the acquiring Department of the Government mentioned in the Award, without following the procedure as envisaged under section 96, and submit a copy of the mutated land index form to the Director of Settlement and Land Records for carrying out partition of the said property.” 15 20

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend section 32 of the Goa Land Revenue Code, 1968 (Act 9 of 1969) (hereinafter called as the “said Act”), so as to specify fee for conversion of use of land from one purpose to another, as per the location of land.

The Bill further seeks to amend section 33 of the said Act, so as to impose fine for using land for dumping mining rejects or like material without permission.

The Bill also seeks to amend section 40 of the said Act, so as to empower the Collector to remove unauthorized occupation of the land.

The Bill also seeks to amend section 61 of the said Act, so as to facilitate partition and mutation of land acquired by the Government.

The Bill also seeks to amend section 62 of the said Act, so as to obtain the approval of the Town and Country Planning Department of the Government whenever partition of land exceeding 4,000 sq.mts. is to be undertaken.

The Bill also seeks to amend section 96 of the said Act, so as to provide that the fee for mutation paid while making an application to the Mamlatdar. The Bill also seeks to enhance the said fees.

The Bill also seeks to insert a new section 97 in the said Act, so as to empower the Mamlatdar of Taluka to carry out mutation in respect of land acquired under the Land Acquisition Act, 1894.

The Bill seeks to achieve the above Objects.

FINANCIAL MEMORANDUM

No Financial Implications are involved in this Bill, however it would generate additional revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Government to specify by Notification in the Official Gazette the fine to be imposed on the person who fails to inform the Mamlatdar about the commencement of the change of the user of the land.

Clause 3 of the Bill empowers the Government to frame Rules to specify the fine to be imposed on the person using the land for dumping mining rejects or like material without obtaining the permission.

This delegations are of normal character.

Porvorim, Goa
24th April, 2013

(Francis D'Souza)
Dy. Chief Minister &
Minister for Revenue

Assembly Hall,
Porvorim, Goa.
24th April, 2013.

(Nilkanth Subhedar)
Secretary to the Legislative
Assembly of Goa

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Bharat Vir Wanchoo, Governor of Goa, hereby recommend the introduction and consideration of the Goa Land Revenue Code (Amendment) Bill, 2013 by the Legislative Assembly of Goa.

ANNEXURE

Bill No. 13 of 2013

The Goa Land Revenue Code (Amendment) Bill, 2013

The Goa Land Revenue Code, 1968
(Act No. 9 of 1969)

Section 32 (5) If the person fails to inform the Mamlatdar within the period specified in sub-section (4), he shall be liable to pay in addition to the non-agricultural assessment such fine as the Collector may, subject to rules made in this behalf, direct but not exceeding five hundred rupees.

Section 32 (6) When the land is permitted to be used for a non-agricultural purpose, a sanad shall be granted to the holder thereof in the prescribed form, on payment of fees at the following rates, namely:—

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|---|-----------------------------|
| (i) Personal housing | Rs. 20/- per square metre. |
| (ii) Commercial/Industrial housing | |
| C 1-200 FAR | Rs. 100/- per square metre. |
| C 2-150 FAR | Rs. 80/- per square metre. |
| S 1-100 FAR | Rs. 60/- per square metre. |
| S 2-80 FAR | Rs. 40/- per square metre. |
| I 2-80 FAR | Rs. 40/- per square metre. |
| (iii) Commercial/Industrial housing in C1-200 FAR under 'A' class Municipalities and Coastal Areas. | Rs. 150/- per square metre. |
| (b) Commercial/Industrial housing in C2-150 FAR under 'A' class Municipalities and Coastal Areas. | Rs. 120/- per square metre. |

(iv) For any constructions—

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| (a) in Coastal villages falling within 500 metres from HTL | Rs. 150/- per square metre. |
| (b) beyond 500 metres from HTL | Rs. 80/- per square metre. |

Provided that no such fees shall be leviable in cases where sanad is granted —

- (i) for an area not exceeding two hundred square metres;
- (ii) for the purpose of churches, temples, mosques, gurudwaras, sports, hospitals or educational, charitable, cultural or religious institutions.

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

- (i) to pay non-agricultural assessment on the land with reference to the altered use;
- (ii) to pay such fine not exceeding the market value of the land as the Collector may, subject to rules made by the Government in this behalf, direct;

(iii) to restore the land to its original use or to observe the conditions on which the permission is granted within such reasonable period as the Collector may by notice in writing direct; and such notice may require such person to remove any

structure, to fill up any excavation or to take such other steps as may be required in order that the land may be used for its original purpose or that the conditions may be satisfied.

Section 40 (2) The Collector shall serve a notice on such person requiring him within such time as may appear reasonable after receipt of the said notice to vacate the land, and if such notice is not obeyed, the Collector may remove him from such land.

Section 61 (3) Subject to the provisions of sub-section (4), the Collector may, after hearing the co-holders, divide the holding and apportion the assessment of the holding in accordance with the rules made by the Government under this Code.

Provided that nothing in this sub-section shall apply to any land acquired under the Land Acquisition Act, 1894 (Central Act 1 of 1894), in respect of which no suit is pending in any Court and it shall be lawful for the Director of Settlement and Land Records to carry out partition and effect necessary changes in the land record on the basis of records relating to possession obtained under section 16 of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

62. Division of survey numbers into new survey numbers.— Where any portion of cultivable land is permitted to be used under the provisions of this Code for any non- agricultural purpose or when any portion of land is specially assigned under section 18, or when any assessment is altered or levied on any portion of land under sub-section (2) of section 51, such portion may, with the sanction of the Collector, be made into a separate survey number at any time.

Section 96. Acquisition of rights to be reported.— Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, mortgagee, landlord, tenant or Government lessee of any land, shall report in writing his acquisition of such

right to the Mamlatdar of Taluka, and upon receipt of such report, he shall proceed to dispose such case as prescribed:

Provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified and fee as mentioned herein below is paid.

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| (i) for parcel of property upto 1,000 square meters | ... Rs. 200/- |
| (ii) for parcel of property above 1,000 square meters and upto 10,000 square meters | ... Rs. 500/- |
| (iii) for every parcel of property above 10,000 square meters | ... Rs. 1,000/- |

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 Mamlatdar of Taluka.

Explanation I.— The rights 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 (Central Act 4 of 1882).

Explanation II.— A person in whose favour a mortgage is discharge or extinguished, or lease determined, acquires a right within the meaning of this section.

Explanation III.— For the purpose of this Chapter the term "Mamlatdar of Taluka" includes Joint Mamlatdar; and in case of City Survey Records, the Inspector of Surveys and Land Records.

Assembly Hall,
Porvorim, Goa,
24th April 2013.

(N. B. Subhedar)
Secretary to the Legislative
Assembly of Goa.