

THE GOA AGRICULTURAL TENANCY (AMENDMENT) BILL, 2015

(BILL No. 16 OF 2015)

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BILL

further to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964).

BE it enacted by the Legislative Assembly of Goa in the Sixty-sixth Year of the Republic of India, as follows:-

1. *Short title and commencement.*—(1) This Act may be called the Goa Agricultural Tenancy (Amendment) Act, 2015.
(2) It shall come into force at once.
2. *Amendment of section 2.*—In section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) (hereinafter referred to as the “principal Act”), in clause (23), the expression “but shall not include a person, who is cultivating, or undertaking and carrying out agricultural operations upon a land by an agreement referred to in sub-section (1) of section 4A of this Act;” shall be omitted.
3. *Omission of section 4A.*—Section 4A of the principal Act shall be omitted.
4. *Omission of section 60C.*—Section 60C of the principal Act shall be omitted.
5. *Insertion of new section of 60E.*- After section 60D of the principal Act, the following new section shall be inserted, namely:-

“60E. Regarding duties, functions and powers of Mamlatdar.- Notwithstanding anything contained in this Act, including clause (15) of section 2, the Mamlatdar shall be deemed to have validly performed the duties and functions and exercised the powers of the Mamlatdar, before the date of commencement of the Goa Agricultural Tenancy (Amendment) Act, 2015, as if such powers were vested in him at all material times under this Act.”

6. Insertion of new section 61A.- After section 61 of the Principal Act, the following new section shall be inserted, namely:-

“61A. Validation of notices, proceedings, orders, etc, of the Mamlatdar- (1) Notwithstanding anything contained in this Act or in any judgment, decree or order of any Court or Tribunal or any other authority to the contrary, all notices given inquiries held, proceedings conducted, disputes decided, orders passed and all actions taken or done by any Mamlatdar, purporting to act as the Mamlatdar under this Act, before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2015 shall, for all purposes, be deemed to be and to have always been validly given, held, conducted, decided, passed, taken or done, as the case may be, in accordance with the provisions of this Act.

(2) No suit or other legal proceedings shall lie or be maintained or continued in any Court or any Tribunal or any other authority for challenging or questioning the validity of any notice given, inquiry held, proceeding conducted, dispute decided order passed or action taken by a Mamlatdar under this Act, before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2015 on the ground that appointment of Mamlatdar was illegal or invalid or irregular by reason of the fact that Mamlatdar was not duly appointed to perform the functions of the Mamlatdar in accordance with the provisions of this Act or on any other ground and no Court or Tribunal or any other authority shall enforce or recognise any decree, judgment or order passed declaring any such action taken or things done as invalid or unlawful”.

STATEMENT OF OBJECTS AND REASONS

The Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) (hereinafter called as the "said Act") was last amended vide the Goa Agricultural Tenancy (Amendment) Act, 2014 (Goa Act 19 of 2014).

Confusion was created in the minds of certain sections of people with regard to said amendment and the Government decided to do away with the provision relating to contract farming and sun-set clause.

The Bill seeks to omit section 4A of the said Act, so as to do away with the provision of contract farming. Amendment to section 2(23) is consequential in nature.

The Bill also seeks to omit section 60C of the said Act, so as to do away with the time limit for filing application under the said Act, 1964.

The Bill also seeks to insert new section 60E in the said Act so as to validate the notices given, inquiries held, disputes decided, proceedings conducted, orders passed and all actions taken or acts done by any Mamlatdar, by exercising the powers of the Mamlatdar, under the said Act.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is involved in this Bill.

Place: Porvorim, Goa.

Shri. Francis D'souza

Dated: ___ August, 2015.

Assembly Hall,

Shri. Nilkanth Subhedar

Porvorim, Goa.

Secretary to the Legislative

Dated: ___ August, 2015.

Assembly of Goa.

4A. Contract farming.— (1) Notwithstanding anything contained in any other provisions of this Act, any person may, by an agreement entered into in writing, with the landlord or an owner of the land, and duly registered with the Sub-Registrar of the Taluka within whose jurisdiction such land is situated, cultivate, or undertake and carry out any agricultural operations upon, such land.

(2) A person referred to in sub-section (1) shall not be entitled to claim any benefits which a tenant is entitled to under this Act.

(3) A person referred to in sub-section (1) shall, immediately upon entering into such agreement, inform the Directorate of Agriculture about the details of such land and the agricultural operation being carried out or proposed to be carried out by him on such land:

Provided that nothing in this section shall apply to,—

(i) a land which is the subject matter of any proceeding pending disposal on the date of commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014; and

(ii) a land which is the subject matter of an application under section 7, 7A, 8, 8A, 10, 11, 12, 14, 18A, 18B, 18C, 18E, 18F, 18G, 18H, 18J and/or 18K of this Act, filed after such commencement, within the time limit specified under section 60C of this Act, till final disposal of such proceedings.

60C. Time limit for Applications.— No Court of Senior Civil Judge shall entertain any application under section 7, 7A, 8, 8A, 10, 11, 12, 14, 18, 18A, 18B, 18C, 18E, 18F, 18G, 18H, 18J and/or 18K of this Act unless it is filed within a period of three year from the date of commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014.

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.