



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA RESTRICTION ON TRANSFER OF  
AGRICULTURAL LAND BILL, 2023**

(Bill No. 18 of 2023)

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

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**GOA LEGISLATURE SECRETARIAT,  
ASSEMBLY HALL, PORVORIM, GOA  
MARCH, 2023**

# The Goa Restriction on Transfer of Agricultural Land Bill, 2023

(Bill No. 18 of 2023)

A

BILL

5 to impose restrictions on the transfer of certain  
agricultural lands in the State of Goa and for  
matters connected therewith or incidental  
thereto.

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

10 **1. Short title, extent and commencement.—**

(1) This Act may be called the Goa Restriction on  
Transfer of Agricultural Land Act, 2023.

(2) It extends to the whole of the State of Goa.

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

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

(a) "agriculture" means cultivation of paddy;

20 (b) "agriculturist" means a person who  
cultivates agricultural land personally;

25 (c) "agricultural land" means a land which is  
presently being used for cultivation of paddy  
but does not include the land which is  
earmarked for the use or purpose, partly or fully,  
other than agriculture in any plan prepared  
under the Goa Town and Country Planning Act,  
1974 (Act 21 of 1975);

(d) "Collector" means the Collector as defined in clause (7) of section 2 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969);

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

(f) "Mamlatdar" means a person appointed as a Mamlatdar by the Government and includes a Joint Mamlatdar;

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

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

(iv) "Tribunal" means the Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965).

**3. Restriction on transfer of agricultural land.—** (1) No person who owns or occupies or in possession of an agricultural land shall transfer such land by way of sale (including sale in execution of a decree of a Civil Court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue), gift,

exchange, lease or by any other mode of transfer,  
in favour of a person other than an agriculturist:

5 Provided that the Collector may on an  
application made in a prescribed form grant  
permission to transfer such land to a person other  
than Agriculturist in any of the following  
circumstances, namely:

10 (a) the land is required for purpose of  
agriculture by industrial or commercial  
undertaking in connection with any industrial  
or commercial operations carried on by such  
undertaking;

(b) the land is required by a co-operative  
farming society;

15 (c) on the request by a person to the Collector,  
the Collector is satisfied that the land is required  
for cultivating it personally by a person, who,  
not being an agriculturist, intends to take up  
agriculture and is capable of cultivating land  
20 personally,

(d) in such other circumstances as may be  
prescribed:

25 Provided further that the person referred at  
clause (c) above shall take up agriculture on  
such land within a period of three years from  
the date of acquisition of such land and continue  
to carry thereon agriculture, failing which, such  
land shall vest in the Government, upon expiry  
of three years from the date of abandonment or  
30 discontinuation of such activity.

(2) No person who owns or occupies or in  
possession of any agricultural land shall use or

allow it to be used for any purpose other than agriculture, except by following due procedure laid down under any law in force.

(3) Any transfer of an agricultural land in contravention of the provisions of sub-section (1) shall be null and void and non-est in the eyes of law and shall not confer any right or title to or interest in such agricultural land in favour of the transferee. 5

(4) If any question arises as to whether any land is an agricultural land or not, the Mamlatdar of the respective jurisdiction shall after holding such inquiry as deemed fit by him decide such question. 10

**4. Act not to apply in certain cases.**— The provisions of this Act shall not apply to,- 15

(i) a mortgage of agricultural land for raising loan for effecting any improvement to the agricultural land;

(ii) an acquisition of right to agricultural land by inheritance; 20

(iii) transfer of agricultural land by operation of law; and

(iv) transfer of agricultural land in favour of Government for any Government project.

**5. Penalty.**— Whoever contravenes the provisions of section 3 by transferring the agricultural land, the transferor as well as the transferee each of them shall be punished with fine equivalent to market value of such land to be determined as per the rates fixed by the Government for such land. 25 30



**6. Forfeiture of land transferred in contravention of section 3.**— (1) Where in respect of the transfer of any land, the Collector suo moto or on the application of any person has reason to believe that such transfer is in contravention of section 3, he shall issue notice to the transferor and the transferee to show cause as to why the transfer should not be declared to be in contravention of said section 3, and shall also hold an inquiry to decide whether the transfer is in contravention of said section 3 or not.

(2) If, after holding such inquiry, the Collector declares that the transfer to be in contravention of section 3, the land in respect of which such contravention has taken place shall be deemed to be forfeited to the Government without the payment of any compensation.

(3) Notwithstanding anything contained in sub-sections (1) and (2) hereinabove, all transfers made in contravention of section 3 shall be void ab initio.

**7. Procedure in inquiries.**— (1) All inquiries and proceedings under this Act shall be conducted by the Collector or such officer not below the rank of Mamlatdar as authorized by the Government by Notification in the Official Gazette and in such manner as prescribed.

(2) Every decision of the Collector or officer stated in sub-section (1) shall be recorded in the form of an Order and shall state the reasons for such a decision.

**8. Appeal and Revision.**— (1) An appeal shall lie from every original order, other than an interim order, passed under this Act.-

(i) if such an order is passed by the Mamlatdar,  
to the Collector;

(ii) if such an order is passed by the Collector,  
to the Tribunal.

(2) No appeal shall lie against any order except 5  
as provided under sub section (1) above.

(3) Any person, who is aggrieved by any final  
order passed under sub section (1) may, within  
thirty days from the date of such final order of the  
Collector or the Tribunal, file a revision before the 10  
High Court;

(4) A revision application filed before the High  
Court shall be heard by a bench consisting of not  
less than two judges.

**9. Bar of jurisdiction.**— No Civil Court shall have 15  
jurisdiction to entertain, try, settle, decide or deal  
with any question which is by or under this Act,  
required to be settled, decided or dealt with by  
the Collector or the officer stated in section 8 or  
the Tribunal.

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

(2) No Suit or other legal proceeding shall lie 25  
against the Government for any damage caused  
or likely to be caused or any injury suffered or likely  
to be suffered by virtue of any provision contained  
in this Act or any rules made thereunder or by 30  
anything in good faith done or intended to be done  
in pursuance of this Act or any rules made  
thereunder.

**11. Limitation and court fees.**— (1) Every appeal under this Act shall be filed within a period of thirty days from the date of the order of the Collector or the officer stated in section 8, as the case may be, and the provisions of section 4, 5, 12 and 14 of the Limitation Act, 1963 (Act 36 of 1963), shall apply to the filing of such appeal.

(2) Notwithstanding anything contained in the Court Fees Act, 1870 (7 of 1870), as in force in the State of Goa, every appeal or application made under this Act to the Collector or authorized officer or to the Tribunal shall bear a court fee stamp of rupees fifty and every revision Application filed before the High Court shall bear a court fee stamp of rupees one hundred and fifty.

**12. Power to make rules.**— The Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

**13. Power to remove difficulties.**— (1) If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from date of the commencement of this Act.

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



## **STATEMENT OF OBJECTS AND REASONS**

The Bill seeks to impose restrictions on the transfer of certain agricultural lands in the State of Goa so as to preserve and protect the land which is presently being used for cultivation of paddy.

This Bill seeks to achieve above objects.

## **FINANCIAL MEMORANDUM**

No financial implications are involved in this Bill.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1(3) of the Bill seeks to empower the Government to appoint the date for bringing into force the Act by Notification in the Official Gazette.

Clause 3 of the Bill seeks to empower the Government to frame rules to specify circumstances in which the Collector may grant permission to transfer agricultural land to a person other than agriculturist.

Clause 7 of the Bill seeks to empower the Government to frame rules to specify the manner for conducting the inquiries and Proceedings.

Clause 12 of the Bill empowers the Government to make rules for carrying out all or any of the provisions of the Act.

Clause 13 of the Bill seeks to empower the Government to issue an Order for the purpose of removing any difficulty which may arise in giving effect to the provisions of the Act

These delegations are of normal character.

Porvorim, Goa  
28 March, 2023

(**Atanasio Monserrate**)  
Minister for Revenue

Assembly Hall,  
Porvorim, Goa

(**Namrata Ulman**)  
Secretary to the Legislative  
Assembly