



LEGISLATIVE ASSEMBLY STATE OF GOA

The Goa Land Use (Regulation) (Amendment) Bill, 2009

(Bill No. 22 of 2009)


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

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2009.**

The Goa Land Use (Regulation) Act
(Amendment) Bill, 2009

(Bill No. 22 of 2009)

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BILL

*To amend the Goa Land Use (Regulation) Act, 1991
(Goa Act 3 of 1991)*

5 Be it enacted by the Legislative Assembly of the
State of Goa in the Sixtieth Year of the Republic of
India as follows :-

1. **Short title and commencement.**— (1) The
Act may be called the Goa Land Use (Regulation)
10 (Amendment) Act, 2009.

(2) It shall come in to force at once.

2. **Amendment of section 2.**— In section 2 of
the Goa Land Use (Regulation) Act, 1991 (Goa
15 Act 3 of 1991) (hereinafter referred to as the
“principal Act”),

(i) *in third paragraph, after the expression
“Agricultural Tenancy Act, 1964 (Act 7 of 1964)”
and before the expression “shall be used” the
20 expression “or purchasee of such land in
execution of a decree of a Civil Court or of a
Revenue Court, as the case may be,” shall be
inserted.*

(ii) **In explanation**, after the word “land”, the
25 word “agricultural” shall be inserted.

3. **Insertion of new section.**— After section 2 of the Principal Act, the following section shall be inserted, namely:—

"2A.— Restriction on the owner of agricultural land to sale and use of land for non-agriculture purpose .- 5

(1) The owner of an agricultural land shall not transfer any such land either by way of sale, gift, exchange or lease in favour of any person including foreigners, other than agriculturists. 10

(2) No owner of cultivable agricultural land shall use or allow to use his cultivable agricultural land for any purpose other than agriculture. 15

Explanation.— For the purpose of this section : **"Agricultural land"** means any land which is being cultivated with paddy or has been cultivated in past with paddy and now left fallow or any land which can be put to use for cultivation of paddy. 20

4. **Insertion of new section.**— After section 3 of the principal Act, the following section shall be inserted, namely:—

"3A. If any question arises as to whether the land is agricultural as defined under this section, the Director of Agriculture, Government of Goa, shall be the competent authority to decide the same. 25

STATEMENT OF OBJECTS AND REASONS

The proposed Legislation imposes restrictions on the owner of agricultural land to sell or use of land for non-agricultural purpose either by way of sale, gift, exchange or lease in favour of any person including foreigners other than agriculturists. Restrictions are also imposed for allowing use of agricultural land for any purpose other than agricultural.

The object of the aforesaid amendment is similar to one deemed purchasee of tenanted agricultural land which is vested in the tenant as a deemed purchasee, restricting to use for the purpose not other than agriculture.

Evidently, the owner of the cultivable agricultural land which is cultivating agriculture, should not use for any purpose other than agriculture. As a result, the owner will be totally statutory barred towards sale as well as for putting use of cultivable agricultural land for non-agricultural purpose.

There is an insertion in third paragraph, after the expression "Agricultural Tenancy Act, 1964 (Act 7 of 1964)" and before the expression "shall be used" , the expression "or purchasee of such land in execution of a decree of a Civil Court or of a Revenue Court as the case may be," shall be inserted.

Another insertion of new Section 2A after Section 2 of the principal Act has been incorporated restricting the owner of agricultural land to sale and use of land for non agricultural purposes.

In addition to the above, one more insertion of new Section 3A has been incorporated after Section 3 of the principal Act wherein if any question arises as to whether the land is agricultural as a defined under this Section, the Director of Agriculture, Government of Goa shall be the Competent Authority to decide the same.

The bill seek to achieve the objects.

FINANCIAL MEMORANDUM

There is no financial implication involved and hence the approval of the Finance Department is not required.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is involved in this Bill

Porvorim-Goa
Dated July, 2009

JOSE PHILIP DE SOUZA
MINISTER FOR REVENUE

Assembly Hall,
Porvorim
Dated July 2009

(J.N. BRAGANZA)
SECRETARY LEGISLATURE

ANNEXURE

BILL NO __ , 2009

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The Goa Land Use (Regulation) (Amendment)
Bill, 2009
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2. Regulation of use of land.—Notwithstanding anything contained in the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), or in any plan or scheme made there under, or in the Goa Land Revenue Code, 1968, (Act 9 of 1969), no land which is vested in a tenant under the provision 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.

3. Exemption.— The provisions of this Act shall not apply to acquisition of any land vested in a tenant under the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) by the State for a Public purpose under the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

Assembly Hall,
Porvorim, Goa
Dated : __ July, 2009

J. N. BRAGANZA
SECRETARY LEGISLATURE