



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Agriculture Tenancy
(Amendment) Bill, 2021**

(Bill No. 38 of 2021)

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

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2021

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**The Goa Agricultural Tenancy
(Amendment) Bill, 2021**

(Bill No. 38 of 2021)

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BILL

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

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

10 **1. Short title and commencement.**— (1) This
Act may be called the Goa Agricultural Tenancy
(Amendment) Act, 2021.

(2) It shall come into force at once.

15 **2. Amendment of long title.**— In the Goa,
Daman and Diu Agricultural Tenancy Act, 1964
(Act No. 7 of 1964) (hereinafter referred to as the
"principal Act"), in the long title, for the
expression " Union territory of Goa, Daman and
Diu", the words "State of Goa" shall be
substituted.

20 **3. Amendment of section 1.**— In section 1 of
the principal Act,—

(i) in sub-section (1), the expression
", Daman and Diu" shall be omitted;

(ii) for sub-section (2), the following
sub-section shall be substituted, namely:- "(2),

25 It shall extend to the whole of the State
of Goa".

4. Amendment of section 2.— In section 2 of the principal Act,—

(i) in clause (8), the expression “, Daman and Diu” shall be omitted;

(ii) in clause (17), for the expression “Goa, Daman and Diu Government Gazette”, the words “Official Gazette of the Government of Goa” shall be substituted.

5. Amendment of section 18J.— In section 18J of the principal Act, in sub-section (2), in clause (ii), for sub-clause (d), the following sub-clause shall be substituted, namely:-

“(d) a co-operative farming society registered as such under the Goa Co-operative Societies Act, 2001(Goa Act 36 of 2001).”.

6. Amendment of section 26.— In section 26 of the principal Act, in sub-section (3), for the first proviso, the following proviso shall be substituted, namely:-

“Provided, however, that in the case of repairs to breaches in bunds which may be specified by Government as protective bunds, the Government shall, on such conditions and in such manner as may be prescribed, contribute such sum, as decided by the Government from time to time, towards the cost of such repairs:”

7. Repeal and Savings.— (1) The Goa Agricultural Tenancy (Amendment) Ordinance, 2021 (Ordinance No. 2 of 2021) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Statement of Objects and Reasons

The Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) (hereinafter referred to as the "said Act") was enacted by the Legislative Assembly of Goa, Daman and Diu when Goa was part of the Union Territory of Goa, Daman and Diu. After enactment of the Goa, Daman and Diu Reorganisation Act, 1987 (Central Act 18 of 1987), the new State of Goa as also the new Union Territory of Daman and Diu were framed. After Goa attained Statehood, the said Act remained in force and it is now proposed to omit the expressions "Daman and Diu" and "Union territory" from the said Act.

For section 26 of the principal Act, in subsection (3), for the first proviso, the following proviso is substituted, namely:-

"Provided, however, that in the case of repairs to breaches in bunds which may be specified by Government as protective bunds, the Government shall, on such conditions and in such manner as may be prescribed, contribute such sum, as decided by the Government from time to time, towards the cost of such repairs."

The objective to carry out Goa Agricultural Tenancy (Amendment) Ordinance, 2021 (Ordinance No. 2 of 2021) was mainly due to the repairs to breaches in bunds which are specified as protective bunds by the Government and to decide on the contribution of such sum by the Government towards the cost of such repairs.

The Bill also seeks to repeal the Goa Agricultural Tenancy (Amendment) Ordinance, 2021 (Ordinance No. 2 of 2021) promulgated by the Governor of Goa on 20/06/2021.

This Bill seeks to achieve the above object.

Financial Memorandum

Clause 6 of the present Bill gives discretionary powers to the Government to contribute any amount of share for development of bunds. The proposal therefore involves huge financial implication which cannot be quantified at this stage.

Memorandum Regarding Delegated Legislation

Clause 6 of the bill empowers the Government to specify repairs to breaches in bunds as protective bunds by Notification in the Official Gazette and frame rules for prescribing conditions and the manner for making contribution of sum towards the cost of repairs of such protective bunds. Clause 6 of the Bill also empowers the Government to decide a sum to be contributed towards the cost of repairs of protective bunds.

Porvorim, Goa,
27th July, 2021.

Smt. Jennifer Monserrate
Minister for Revenue

Assembly Hall,
Porvorim - Goa.
27th July, 2021.

(Namrata Ulman)
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, Shri P. S. Sreedharan Pillai Governor of Goa, hereby recommend the introduction and consideration of the Bill namely the "The Goa Agricultural Tenancy (Amendment) Bill, 2021" by the Legislative Assembly, Goa.

Place: Raj Bhavan P. S. SREEDHARAN PILLAI
Dona Paula, Goa Governor of Goa

Date:- 27th July 2021 .

Extracts of Sections-1 Sub-section (1) & (2),
Section-2 Clause- (8) & (17), Section-18J
Sub-section- (2) Clause- (ii) Sub Clause-(d),
Section-26 Sub-section (3) of Goa, Daman and
Diu Agricultural Tenancy Act, 1964

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.

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.

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

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

(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;

1. 8 th 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 Clause (1) was inserted by the Goa, Daman & Diu Agricultural Tenancy (Amendment) Act, 1968 (Act No. 13 of 1968) However same has been omitted by the Amendment Act No. 19 of 2014. Omitted provision read as follows : [(1) "Administrative Tribunal means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965(Act No. 6 of 1965).

3 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) substituted provision read as follows : "agriculture" with its grammatical variations and cognate expressions, includes the raising of food crops like paddy, wheat, pulses, millets and vegetables and of sugar cane and ground nut but, save as otherwise expressly provided by or under subsection(1) of section 3, does not include the raising of produce from fruit bearing trees including cocoanut, areca nut, cashew, or mango;

(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;

[(5A) "Court of Senior Civil Judge" includes the Court of Junior Civil Judge;]

(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 the 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;

[(7A) "garden" means land used primarily for growing coconut trees, areca nut trees, cashew nut trees or mango trees;

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

(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;

4 Inserted by the Amendment Act (19 of 2014).

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

(b) the construction of works for the drainage of land or for the protection of land from floods or from erosion or 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, leveling, 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) 6 [(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;

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

(16) "notification" means notification published in the Official Gazette;

(17) "Official Gazette" means the Goa, Daman and Diu Government Gazette;

1. Section 18J. Power of 96[Court of Senior Civil Judge] to resume and dispose of land not purchased by the tenant.

Section (2) The 98[Court of Senior Civil Judge] 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.

Clause (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:—

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

2. Section 26. Liability for cost cultivation, tax, works etc.—

Section (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

First proviso [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.

