

The Goa Agricultural Tenancy (Amendment) Bill, 2014

(Bill No. 20 of 2014)

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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-fifth 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, 2014.

(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"),-

(i) clause (1) shall be omitted;

(ii) after clause (5), the following clause shall be inserted, namely:-

“(5A) “Court of Senior Civil Judge” includes the Court of Junior Civil Judge;” ;

(iii) for clause (15), the following clause shall be substituted, namely:-

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

(iv) in clause (19A), for the word “Mamlatdar”, the words “Court of Senior Civil Judge” shall be substituted;

(v) for clause (23), the following clause shall be substituted, namely:-

“(23) “tenant” means a person who on or after the date of commencement of this Act holds land on lease and cultivates it personally and includes a person who is or was deemed to be a tenant under this Act 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;”;

- (vi) for clause (24), the following clause shall be substituted, namely:-
“(24) “Tribunal” means the Court of Senior Civil Judge; and”.

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

“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”.

4. Amendment of sections 7, 7A, 8, 8A, 10, 11, 12, 14, 18B, 18C, 18E, 18F, 18G, 18H, 18J, 18K and 18L.- In sections 7, 7A, 8, 8A, 10, 11, 12, 14, 18B, 18C, 18E, 18F, 18G, 18H, 18J, 18K and 18L of the principal Act, for the word “Mamlatdar”, wherever it occurs, the words “Court of Senior Civil Judge” shall be substituted.

5. Amendment of section 18.- In section 18 of the principal Act,-

- (i) for the word “Mamlatdar”, wherever it occurs, the words “Court of Senior Civil Judge” shall be substituted;

(ii) in sub-section (4), for the word “Collector”, the words “District Court” shall be substituted.

6. Amendment of section 18A.- In section 18A of the principal Act,-

- (i) for the word “Mamlatdar”, wherever it occurs, the words “Court of Senior Civil Judge” shall be substituted;
- (ii) in sub-section (2), for the words “in appeal by the Collector or in revision by the Administrative Tribunal”, the words “in appeal by the District Court” shall be substituted.

7. Amendment of section 42A.- In section 42A of the principal Act,-

- (i) for sub-section (3), the following sub-section shall be substituted, namely:-

“(3) Any sum which is payable by a tenant or any other person towards the cost of any such work as is referred to in sub-section (1) and any sum the payment of which has been directed by an order of the Mamlatdar or the Tribunal or the Collector including an order awarding costs, shall be recoverable as an arrears of land revenue:

Provided that such recovery shall not be made and such order shall not be executed till the expiry of the period of appeal or, as the case may be, of application for revision as provided in this Act.”;

- (ii) after sub-section (3), the following sub-section shall be inserted, namely:-

“(4) An order or decision of the Mamlatdar in execution proceedings, subject to appeal, if any, shall be final.”.

8. Omission of section 43.- Section 43 of the principal Act shall be omitted.

9. Amendment of section 46.- In section 46 of the principal Act, the words “Mamlatdar or” shall be omitted.

10. Substitution of section 46A.- For section 46A of the principal Act, the following section shall be substituted, namely:-

“46A. Powers of the Court of Senior Civil Judge to inquire into contraventions.- The Government may, in any case where it has a reason to believe that there has been a contravention of the provisions of this Act, refer the matter to the Court of Senior Civil Judge to hold an inquiry into alleged contravention.”.

11. Insertion of section 46B.- After section 46A of the principal Act, the following section shall be inserted, namely:-

“46B. Transfer of pending applications, appeals and revisions.- (1) All applications and/or proceedings under sections 7, 7A, 8, 8A, 10, 11, 12, 14, 18, 18A, 18B, 18C, 18E, 18F, 18G, 18H, 18J and 18K of this Act filed and pending with the Mamlatdar immediately before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014, shall, on such commencement, stand transferred to the Court of Senior Civil Judge and such Court of Senior Civil Judge may proceed to deal with such matters from the stage at which they have reached before such transfer or from any earlier stage or *de novo* as such Court of Senior Civil Judge may deem fit.

(2) All appeals and revisions pertaining to the applications and/or proceedings referred to in sub-section (1) filed and pending with the Collector immediately before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014, shall, on such commencement, stand transferred to the District Court and such District Court may proceed to deal with such matters from the stage at which they have reached before such transfer or from any earlier stage or *de novo* as such District Court may deem fit.

(3) All appeals and revisions filed and pending with the Administrative Tribunal immediately before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014, shall, on such commencement, stand transferred to the District Court and such District Court may proceed to deal with such matters from the stage at which they have reached before such transfer or from any earlier stage or *de novo* as such District Court may deem fit.”.

12. Omission of section 48.- Section 48 of the principal Act shall be omitted.

13. Substitution of section 49.- For section 49 of the principal Act, the following section shall be substituted, namely:-

“49. Appeals.- (1) From every order passed by the Mamlatdar before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014 or by the Court of Senior Civil Judge after such commencement, or by the Tribunal, an appeal shall lie to the District Court and the orders of the District Court on such appeal shall be final.

(2) From every original order passed by the Collector, an appeal shall lie to the District Court and the orders of the District Court on such appeal shall be final.”.

14. Substitution of section 50.- For section 50 of the principal Act, the following section shall be substituted, namely:-

“50. Revision.- Where no appeal lies under this Act, the District Court may, on an application made by an aggrieved person, at any time, call for the record of the proceedings before the Mamlatdar, or the Collector, or the Tribunal, or the Court of Senior Civil Judge, for the purpose of satisfying itself as to the legality or propriety of any order passed by or as to the regularity of the proceedings before such Mamlatdar, or the Collector, or Tribunal, or Court of Senior Civil Judge, and pass such order as it may deem fit:

Provided that no such record shall be called for after the expiry of one year from the date of such order.”.

15. Substitution of section 51.- For section 51 of the principal Act, the following section shall be substituted, namely:-

“51. Extent of powers in appeal or revision.- (1) The District Court in appeal or in revision, as the case may be, may confirm, modify or rescind the order in appeal or revision or its execution or may remand the case for disposal with such direction as deemed fit or pass such other order as may seem legal and just in accordance with the provisions of this Act.

(2) The orders passed in appeal or revision shall be executed in the manner provided for the execution of the orders under this Act.”.

16. Insertion of new section 51A.- After section 51 of the principal Act, the following section shall be inserted, namely:-

“51A. Finality of decisions of Collector.— Every order or decision of the Collector, against the order of the Mamlatdar or Tribunal, passed before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014, shall be final and conclusive.”.

17. Amendment of section 52.- In section 52 of the principal Act,-

(i) in sub-section (1), for the word “Collector”, the words “Court of Senior Civil Judge” shall be substituted;

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

“(2) Notwithstanding anything contained in the Court-fees Act, 1870 (7 of 1870), every application made to the Mamlatdar, or the Tribunal, or the Collector, or the Court of Senior Civil Judge, and every appeal or application made to the District Court, under this Act, shall bear a court-fee stamp of such value as may be prescribed.”.

18. Amendment of section 53.- In section 53 of the principal Act, for the expression “inquiries, appeals and proceedings under this Act and in revision by the Collector” the expression “inquiries and proceedings under this Act” shall be substituted.

19. Substitution of section 58.- For section 58 of the principal Act, the following section shall be substituted, namely:-

“ **58. Protection of action taken in good faith.—** 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 rule made thereunder.”.

20. Amendment of section 59.- In section 59 of the principal Act, for the words “Tribunal and Collectors” the expression “Tribunal, Collectors and Court of Senior Civil Judge” shall be substituted.

21. Insertion of new sections 60C and 60D.- After section 60B of the principal Act, the following sections shall be inserted, namely:-

“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 years from the date of commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014.

60D. Validation of notices, proceedings, orders, etc., of the Joint Mamlatdar under this Act.- (1) Notwithstanding anything contained in this Act, or in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, all notices given, inquiries held, disputes decided, proceedings conducted, orders passed and all actions taken or acts done by any Joint Mamlatdar, by exercising the powers of Mamlatdar under this Act before the commencement of the Goa Agricultural Tenancy

(Amendment) Act, 2014 shall, for all purposes, be deemed to be and to have always been validly given, held, decided, conducted, passed, taken or done, as the case may be, in accordance with the provisions of this Act.

(2) No court shall have jurisdiction to entertain or try any suit or legal proceedings against the Government or against any officer of the Government or any Joint Mamlatdars acting or purporting to act under this Act in connection with the exercise of powers of the Mamlatdar under this Act whatsoever on the ground that the actions taken by such officers were illegal or invalid or irregular by reason of fact that such officers were not legally empowered to perform the functions of the Mamlatdar in accordance with the provisions of this Act.”.