



Legislative Assembly of Goa

The Goa, Daman and Diu Agricultural Tenancy (Amendment) Bill, 2001

(Bill No. 24 of 2001)

(By Shri Jitendra Deshpabhu)

M. L. A.

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

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM,
MARCH, 2001

THE GOA, DAMAN AND DIU
AGRICULTURAL TENANCY
(AMENDMENT) BILL, 2001

(BILL No. 26 of 2001)

A

BILL

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

Be it enacted by the Goa Legislative Assembly
of Goa in the Fifty-second year of the Republic of
India as follows:—

1. Short title and commencement.— (1) This
Act may be called the Goa, Daman and Diu
Agricultural Tenancy (Amendment) Act, 2001.

(2) It shall come into force at once.

2. Amendment of section 7.— In section 7 of
the Goa, Daman and Diu Agricultural Tenancy
Act, 1964 (Act No. 7 of 1964),—

(i) for the words "person is a", the words "
person is or is not a", shall be substituted;

(ii) after the words "(or was)", the words "or
was not a", shall be inserted;

(iii) after the word "should", the words "or
should not", shall be inserted; and

(iv) the proviso thereof shall be omitted.

Statement of Objects and Reasons

In view of the judgements given by the Bombay High Court, Panaji Bench that a Mamlatdar has no jurisdiction to grant a negative declaration under Section 7 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, that a person is not a tenant when such a application is filed before him, a chaotic situation has been created leading to multiplicity of the proceedings and inordinate delay in disposing of matters involving tenancy rights. It has become urgently necessary to make suitable amendment to section 7 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964. As regards the proviso in Section 7 of the Goa, Daman and Diu Agricultural tenancy Act, it has been wholly redundant which serves no useful purpose of any kind except to create confusion in the minds of the Mamlatdar and the Litigants as no such record of rights under the Goa, Daman and Diu Agricultural Tenancy Act is prepared as contemplated under the said proviso and there is no possibility of preparing such a record of right in future. The record of rights has also been already prepared under the Goa, Daman and Diu Land Revenue Code 1968 which is in force and as such there is no possibility of preparing any other record of rights under the Goa, Daman and Diu Agricultural Tenancy Act, 1964. The Bill seeks to achieve these objectives.

Financial Memorandum

No Financial implications are involved in the Bill.

Porvorim - Goa

JITENDRA DESHPRABHU

12 March, 2001

M. L. A.

Assembly Hall,

R. KOTHANDARAMAN

Porvorim - Goa

Secretary (Legislature)

12 March, 2001

ANNEXURE

.....
Extracts from the Goa Agricultural Tenancy Act, 1964
(Act 7 of 1964)
.....

7, Question of tenancy.—If any question arises whether any person is a ²[or was] tenant or should be deemed to be a tenant under this Act the Mamlatdar shall, after holding an inquiry, decide such question.

³["In any such enquiry, the Mamlatdar shall presume that any statement as to the existence of a right of tenancy in a record of rights prepared in the prescribed manner under and in accordance with the provisions of this Act, is true"].

Assembly Hall,

Porvorim - Goa

13 March, 2001

R. KOTHANDARAMAN

Secretary (Legislature)