



Legislative Assembly of the State of Goa

**The Goa Land Revenue (Modification and  
Regularisation of Grants under Decree  
No.3602 dated 24-11-1917) Bill, 2007**

**(Bill No. 9 of 2007)**

AS  
~~To be~~ introduced in the Legislative Assembly of the State of Goa

**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM, GOA  
JANUARY, 2007.**

**The Goa Land Revenue (Modification and  
Regularisation of Grants under Decree  
No.3602 dated 24-11-1917) Bill, 2007**

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to provide for the modification and  
regularisation of Grants under Decree No.3602  
dated 24-11-1917 and bring such Grants within  
10 the purview of the Goa Land Revenue Code, 1968.

Be it enacted by the Legislative Assembly of  
Goa in the Fifty-eighth Year of the Republic of India  
as follows:-

1. *Short title and commencement.*— (1) This Act  
15 may be called the Goa Land Revenue  
(Modification and Regularisation of Grants under  
Decree No.3602 dated 24-11-1917) Act, 2007.

(2) It shall come into force at once.

**CHAPTER - I**

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

(a) "Alvara" means an Alvara granted under  
the Decree No.3602 dated 24-11-1917;

(b) "Alvara holder" means a person who has  
25 been granted an Alvara;

(c) "appointed day" means the 1st day of March, 1971;

(d) "Code" means the Goa Land Revenue Code, 1968 (Act 9 of 1969);

(e) words and expressions used and not defined but defined under the Code, shall have the meaning respectively assigned to them under the Decree No. 3602 dated 24-11-1917 and the Code.

3. *Act to override all other enactments.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any judgement, decree or order of any Court, Tribunal or other authority and any instrument or title having effect by virtue of any enactment other than this Act.

4. *Modification of contract of emphyteusis.*— Notwithstanding anything contained in any other law, all contracts of emphyteusis under the Decree No. 3602 dated 24-11-1917, shall, on and from the appointed day, be deemed to have been modified and shall, with effect from that day, be deemed to be Class II occupancy granted under the Code, and the provisions of that Code shall, save as otherwise provided under this Act, apply to such grant under the said Decree No.3602 dated 24-11-1917.

5. *General effect of modification of emphyteusis as Class II occupancy.*— Where a contract of

emphyteusis has been deemed to be Class II occupancy under section 4, the holder of contract of emphyteusis shall, on and from the day mentioned in that section, be deemed to have become occupant Class II under the Code, in relation to land covered therein subject to the conditions as laid down under the Code.

6. *Occupancy right in respect of land covered under Alvara or otherwise.*— Notwithstanding anything to the contrary contained in any usage, settlement, contract, grant, sanad, order or instrument having the force of law and notwithstanding any decree or order of any Civil or Revenue Court or Tribunal, an Alvara holder or any other person occupying Government land under the provisions of the Decree No.3602 dated 24-11-1917 who has failed to comply with conditions laid down therein, and the provisions of the said Decree No.3602 dated 24-11-1917, before the enforcement of the Code, may, apply for regularisation of the grant in terms of the provisions of the Code, and the rules made thereunder, and on payment of market value as prevailing on the appointed day such grant may be regularised.

CHAPTER - II

(Miscellaneous)

7. *Amendment of Act 9 of 1969.*— In the Goa Land Revenue Code, 1968 (Act 9 of 1969) (hereinafter referred to as the "said Code"), in section 2,—

(i) after clause (l), the following clauses shall be inserted, namely:-

"(IA) "Alvara" means an Alvara granted under the Decree No.3602 dated 24-11-1917;

(IB) "Alvara holder" means a person who has been granted an Alvara;

(IC) "appointed day" means the 1st day of March 1971;"

(ii) after clause (9), the following clauses shall be inserted, namely:-

"(9A) "contract of emphyteusis" means contract of emphyteusis" granted under the Decree No.3602 dated 24-11-1917;

(9B) "Decr e" means the erstwhile Portuguese Decree No.3602 dated 24-11-1917;"

8. Amendment of section 38.— In section 38 of the said Code, for the expression "if the person making the encroachment so desires", the expression "if the Alvara holder or a person in occupation of land before the appointed day or if the person making encroachment so desires, to charge the Alvara holder or the occupant of such land, a market value as prevailing on the appointed day which shall be payable within a period of two years from the date of regularisation of the Alvara or occupation of land, as the case may be, and the other person who so desires" shall be substituted.

9. Amendment of section 39.— In section 39 of the said Code, for the words and figures "sections 37 and 38", the expression "sections 37 and 38 (except Alvara holder and person in occupation of land before the appointed day)" shall be substituted.

10. Insertion of new section.— After section 201 of the said Code, the following shall be inserted, namely:-

10 "202. Protection of action taken in good faith.— No suit, prosecution or any other legal proceedings shall lie against the Government or any officer or employee of the Government or any person authorized by the Government for anything which is in good faith done or intended to be done under this Act."

### Statement of Objects and Reasons

There are certain cases of Grants granted under the erstwhile Portuguese Decree No.3602 dated 24-11-1917 pending for regularisation but the regularisation whereof could not be effected on account of repeal of said Decree No.3602 dated 24-11-1917 and enforcement of the Goa Land Revenue Code, 1968 (Act 9 of 1969).

This Bill seeks to regularise such Grants by bringing them within the purview of the Goa Land Revenue Code, 1968 (Act 9 of 1969).

### Financial Memorandum

The exact financial implications cannot be quantified.

### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Panaji, Goa  
26th February, 2007.

PRATAPSINGH RAOJI RANE  
Minister For Revenue

Assembly Hall,  
Porvorim..  
26 Feb. 2007

T.N. DHROYA KUMAR  
SECRETARY, LEGISLATURE

### Governor's recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution the Governor of Goa has recommended to the Legislative Assembly of Goa the introduction and consideration of the Goa Land Revenue (Modification and Regularisation of Grants under Decree No.3602 dated 24-11-1917) Bill, 2007.

(Annexure to Bill No. 9 of 2007)

The Goa Land Revenue (Modification and  
Regularisation of Grants under Decree No. 3602  
dated 24-11-1917) Bill, 2007

.....  
The Goa Land Revenue Code, 1968 (Act 9 of 1969)  
.....

2. *Definitions.*— in this Code, unless the context otherwise require-

(1) "agriculture", with its grammatical variations and cognate expressions, means raising of useful or valuable products which derive nutriment from the soil with the aid of human labour and skill and includes horticulture, dairy farming, poultry farming, stock breeding and grazing;

(2) "boundary mark" means any erection, whether of earth, stone or other material, and also any hedge, unploughed ridge, or strip of ground, or other object, whether natural or artificial, set up, employed, or specified by a survey officer or revenue officer having authority in that behalf, in order to designate the boundary of any division of land;

(3) "building" means any structure, not being a farm building;

(4) "building site" means a portion of land held for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or court yard enclosed by, or appurtenant to, any building erected thereupon;

(5) "class of land" means any of the following classes of land, namely, dry crop, rice, garden land or non-arable;

(6) "classification value" means the relative valuation of land as recorded in the survey records having regard to its soil, water, situation and other advantages;

(7) "Collector" means the Collector of the district and includes any officer appointed by the Government to exercise and perform all or any of the powers and functions of a Collector under this Code;

(8) "commencement of this Code" in relation to any provision, means the date specified in respect of that provision in a notification under sub-section (3) of section 1;

(9) "competent authority", in relation to any provision, means any officer appointed by the Government to be competent authority for the purpose of that provision;

38. Regularisation of encroachments.- Nothing in section 37 shall prevent the Collector, if the person making the encroachment so desires, to charge the said person a sum not exceeding five times the value of the land so encroached upon and to grant the land to the encroacher on such terms and conditions as the Collector may impose subject to rules made in this behalf; and then to cause the said land to be entered in land records in the name of the said person:

Provided that no land shall be granted as aforesaid, unless the Collector gives public notice of his intention so to do in such manner as he considers fit, and considers any objections or suggestions which may be received by him before granting the land as aforesaid. The expenses incurred in giving such public notice shall be paid by the person making the encroachment; and on his failure to do so on demand within a reasonable time, shall be recovered from him as an arrear of land revenue.

39. *Value and land revenue how calculated.*— (1) For the purposes of section 37 and 38, the value of land that has been encroached upon shall be fixed by the Collector according to the market value of similar land in the same neighbourhood at the time of such valuation; and the annual revenue of such land shall be assessed at the same rate as the land revenue of similar land in the vicinity.

(2) The Collector's decision as to the value of land and the amount of land revenue or assessment payable for the land encroached upon shall be conclusive, and in determining the amount of land revenue, occupation for a portion of year shall be counted as for a whole year.

201. Repeal. (\*)— On the commencement of this Code, the following laws, that is to say—

(a) Decree No.3602 dated the 24th November, 1917.

(b) Portaria Provincial No. 1195 dated the 18th November, 1922.

(c) Legislative Diploma No.1196 dated the 10th November, 1925.

(d) Legislative Diploma No.272 dated the 18th April, 1927.

(e) Legislative Diploma No.325 dated the 16th June, 1928.

(f) Legislative Diploma No.760 dated the 12th October, 1934.

(g) Legislative Diploma No.764 dated the 26th November, 1934.

(h) Legislative Diploma No.1740 dated the 26th September, 1957.

(i) Legislative Diploma No.1776 dated the 20th March, 1958.

and any other law in force in the Union territory of Goa, Daman and Diu corresponding to any of the provisions of this Code shall stand repealed:

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege obligation or liability acquired, accrued or incurred under any law so repealed in so far as it is consistent with the provisions of this Code or the Rules framed thereunder, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed

(d) any investigation, proceeding, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, proceeding, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Code had not been passed;

Provided also that, subject to the proceedings proviso and any saving provisions made in any of the Chapters of this Code, anything done or any action taken including any rules, assessments, appointments and transfers made, notifications, orders, summons, notices, warrants and proclamations issued, authorities and powers conferred forms and leases granted, survey and boundary marks fixed, record of rights and other records framed or confirmed, rights acquired,

liabilities incurred and times and places appointed under any law so repealed shall, in so far as it is not inconsistent with the provisions of this Code, be deemed to have been done or taken under the corresponding provisions of this Code; and shall continue to be in force accordingly unless and until superseded by anything done or action taken under this Code.

Assembly Hall,  
Porvorim, Goa,  
26th February, 2007.

T. N. DHRUVA KUMAR  
Secretary Legislature