



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

The Goa Land Revenue Code (Amendment) Bill, 2009

(Bill No. 30 of 2009)

A

BILL

^{AS}
~~to be~~ introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
DECEMBER, 2009

The Goa Land Revenue Code (Amendment) Bill, 2009

(Bill No. 30 of 2009)

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*further to amend the Goa Land Revenue Code, 1968
(Act No.9 of 1969).*

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

10 **1. Short title and commencement.**— (1) This Act
may be called the Goa Land Revenue Code (Amendment)
Act, 2009.

(2) It shall come into force on such date as the
Government may, by notification in the Official Gazette,
appoint.

15 **2. Substitution of section 96.**— For section 96 of the
Goa Land Revenue Code, 1968 (Act No.9 of 1969)
(hereinafter referred to as the “principal code”), the
following section shall be substituted; namely:-

20 “96. Acquisition of rights to be reported. - Any person
acquiring by succession, survivorship, inheritance, partition,
purchase, mortgage, gift, lease or otherwise, any right as
holder, occupant, mortgagee, landlord, tenant or Government
lessee of any land, shall report in writing his acquisition of

such right to the Mamlatdar of Taluka, and upon receipt of such report, he shall proceed to dispose such case as prescribed:

Provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified and fee as mentioned herein below is paid. 5

- (i) for parcel of property upto 1,000 square meters Rs. 200/-
- (ii) for parcel of property above 1,000 square meters and upto 10,000 square meters ... Rs. 500/- 10
- (iii) for every parcel of property above 10,000 square meters Rs.1,000/-

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the Mamlatdar of Taluka. 15

Explanation I — The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882 (Central Act 4 of 1882). 20

Explanation II — A person in whose favour a mortgage is discharge or extinguished, or lease determined, acquires a right within the meaning of this section. 25

Explanation III — For the purpose of this Chapter the term “Mamlatdar of Taluka” includes Joint Mamlatdar;

and in case of City Survey Records, the Inspector of Surveys and Land Records”.

3. Omission of section 97.— Section 97 of the Principal Code shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend sections 96 and 97 of the Goa Land Revenue Code, 1968 (9 of 1969) (hereinafter referred to as the "said Code") in order to simplify the procedure in respect mutation of entries in the record of rights as the present procedure is cumbersome causing delay of mutation work. The Deputy Collector is burdened with the number of mutation cases as a Certification Officer and he is unable to cope up with this workload.

Therefore, the present Bill seeks to amend section 96 and omit section 97 of the Code in order to simplify the procedure and to facilitate for speedy disposal of the mutation cases. It is proposed that all powers of the mutation to be vested with the Mamlatdar at the single level so as to expedite the disposal of such cases.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation.

No delegated legislation is involved in this Bill.

Porvorim, Goa
15th December, 2009

(JOSE PHILIP D'SOUZA)
Minister for Revenue

Assembly Hall
Porvorim, Goa
15th December, 2009

J.N. Braganza
Secretary to the Legislative
Assembly of Goa

ANNEXURE

Extract of Section 96 and 97 of the Goa Land Revenue Code, 1968 (Act 9 of 1969)

Section 96.— Acquisition of rights to be reported (**)— any person acquiring by succession, survivorship, inheritance, portion, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, mortgage, landlord, tenant or Government lessee of any land, shall report orally or in writing his acquaintance of such right to the Mamlatdar of Taluka, and the said Mamlatdar of Taluka and the said Mamlatdar of Taluka shall at once give written acknowledgement of the receipt of such report to the person making it:

Provided that where the person acquiring the right is a minor or otherwise qualified, his guardian or other person having charge of his property shall make the report to the Mamlatdar of Taluka.

Provided further that any person acquiring her right with the permission of the Collector or by virtue of a registered document shall be exempted from the obligation to report to the Mamlatdar of Taluka.

Provided also that where a person claims to have acquired a right of the permission of the Collector where such permission is required under the provisions of this Code or any law for the time being in force, such a person has all on being required by the Mamlatdar of Taluka so to do produced evidence of the order by which such permission is given.

Explanation I — The rights mentioned above includes a mortgage without possession, but do not includes easement or a charge no amounting to a mortgage of the kind specified in section 100 o the Transfer of Property Act, 1882.

Explanation II — A person in whose favour a mortgage is discharge or extinguished, or lease determined, acquired a right within the meaning of this section.

Section 97.— Register of mutation and register of disputed cases: - (1) the Mamlatdar shall enter in a register if mutation in such form as may be to prescribed every report made to him under Section 96 or any intimation of acquisition or Transfer under section 102 or from any Collector.

(2) Whenever a Mamlatdar makes an entry in the register of Mutations, he shall at the same time post up a of complete copy of the entry in a conspicuous placed in the village or where there is a village Panchayat, on the notice board of such Panchayat shall give written Intimation to all person appearing from the records of right o register of Mutations, to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

* Provided that nothing in this subsection shall apply top the lands acquired under the Land Acquisition Act, 1894 (Central Act 1 at 18.9) in respect of which no suit is pending in any court and it shall be lawful for the Mamlatdar to carry out the Mutation on the basis of records relating to possession obtained under Section 16 of the Land Acquisition Act, 1894).

3) When any objection to any entry made under Sub-Section (1) in the register of mutation is made either orally or in writing to the Mamlatdar, it shall be the duty of the Mamlatdar to enter the particulars of the objections in a register of disputed cases. The Mamlatdar shall at once give a written acknowledgement for the objection to the person making it, in the prescribed form.

4) Disputes entered in the register of disputed cases shall as far as possible be disposed of within one year by a revenue or survey officer not below he rank of an Deputy Collector and orders disposing of objection entered in such register shall be recorded in the register of mutations by such officer in such manner as may be prescribed by rules made by the Government in this behalf.

5) The transfer of entries from the register of mutations to the record of rights shall be affected subject to such rules as may be made by the Government in this behalf:

Provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified and fee as mentioned herein below is paid.

- (i) for parcel of property upto 1,000 square meters Rs. 200/-
- (ii) for parcel of property above 1,000 square meters and upto 10,000 square meters Rs. 500/-
- (iii) for every parcel of property above 10,000 square meters Rs.1,000/

6) Entries in the register of mutation shall be tested and if found correct, or after correction, as the case may be, shall be certified by any revenue or survey officer not below the rank of an Deputy Collector in such manner as may be prescribed:

Provided that no such entries shall be certified unless notice in that behalf is served on the parties concerned.