

GOVERNMENT OF GOA

LAW COMMISSION

Report recommending vesting of mutation powers in the Taluka Mamlatdar and providing deemed conversion for residential purposes of lands depicted as settlement lands in the outline Development Plan and Regional Plan of Goa duly notified subject to payment of conversion fees.

Report No. 7

December 2009

LAW COMMISSION, GOA

(REPORT No. 7)

Report recommending vesting of mutation powers in the Taluka Mamlatdar and providing deemed conversion for residential purposes of lands depicted as settlement lands in the outline Development Plan and Regional Plan of Goa duly notified subject to payment of conversion fees.

Forwarded to the Chief Minister, Government of Goa by Shri Ramakant D. Khalap, Chairman, Law Commission, Goa on the 14 day of December 2009.

The 2nd Law Commission was constituted for a period of one year in the first instance by Government Order No. 9/5/2008-LA/100 dated the 20th January, 2009 issued by the Law Department, Government of Goa.

The Law Commission consists of the Chairman, and the two Members.

Chairman

Shri Ramakant D. Khalap

Members

Shri Cleofato Coutinho

Shri Mario Pinto Almeida

The Law Commission is located at B S/1, 3rd Floor, Paraiso de Goa, Porvorim-Goa.

Secretarial Support

1. Shri Ashok Ulman, Secretary
2. Shri Manohar Shetye, O.S.D. to Chairman

The text of this Report is available on the internet
<http://goalawcommission.gov.in>

Any enquiry relating to this Report should be addressed to the Secretary and sent either by post to the Law Commission, B S/1, 3rd Floor, Paraiso de Goa, Porvorim-Goa or email to chairman-glc.goa@nic.in

2 RECOMMENDATION

2.1 It is therefore suggested that the Goa Land Revenue Code (Amendment) Bill 2009 may be introduced in the forthcoming Assembly Session as proposed.

2.2 We recommend accordingly.

(Ramakant D. Khalap)
Chairman

(Cleofato Coutinho)
Member

(Mario Pinto Almeida)
Member

REPORT

Report No. 5 of the Law Commission dated 16th of July 2009 already submitted to the Government of Goa relates to amendment of sections 32, 96, 97, 98, 99, 100, 101, and 102 of the Land Revenue Code Act 1968. The purpose of the Report was to facilitate the process of mutations by vesting all powers of mutation in the Mamlatdar of Taluka. However, the Legislature came out with the amending Act (Act No. 24 of 2009) which created an additional authority namely the Deputy Collector for the purpose of certifying and deciding disputes with regard to mutations. This resulted in a chaotic situation and the entire process was unnecessarily brought to a grinding halt. The Law Commission was attributed the onus of bringing about the amending Act No. 24 of 2009 while in fact, the Law Commission had proposed the simplification of procedures by substituting “the Mamlatdar” for the Talathi.

In view of the above, the Law Commission now proposes to recommend amendment to the Revenue Code once again and set the controversy at rest.

We wish to submit that the words a ‘revenue or survey officer not below the rank of Awalkarkun’ be replaced by “Mamlatdar” in sections (4) and (6) of section 97 of the Land Revenue Code. This change shall do away with the apprehension that the certifying officer shall be the Dy. Collector. We are of the opinion that the mutations proceeding would proceed faster in case the register of mutations, register of disputed cases and certifications of entries is done by the Mamlatdar.

The Legislative Assembly has further amended the Land Revenue Code by the Amendment Act No. 24 of 2009 whereby Sec. 32A was inserted.

The insertion of Sec. 32A obliges the Collector to grant permission to use land for such purposes as permissible under Goa Town and Country Planning Act in case the land is demarcated as settlement zone in the outline development plan and/or the regional plan duly notified. Section 32A

requires the Collector to issue such permission for lands within settlement zone subject to payment of fees. It would be more appropriate in case the sanad is deemed to be granted if the land is within settlement zone since the government would not lose any revenue as the work can start only after the payment of fees. The law commission is also of the opinion that the deeming provision should apply for housing purpose.

Draft Bill incorporating the above views is enclosed for ready reference.

Recommendation:

The Law Commission is pleased to recommend

- 1) The Mamlatdar of Taluka be vested with powers to effect mutation in Record of Rights and for settling of all disputes relating to mutations as well as for certifying the mutations.
- 2) To incorporate the deeming clause in the Land Revenue Code providing for deemed conversion for residential purposes of all lands depicted as settlement zones in the outline Development Plan and Regional Plan duly notified subject to payment of conversion fees.

THE GOA LAND REVENUE (AMENDMENT) ACT 2009

(Goa Act of 2009)

AN ACT

Further to amend the Goa Land Revenue Code, 1968(Act 9 of 1969)

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

1. - Short title and commencement.-This act may be called the Goa Land Revenue Amendment Act 2009.
2. It shall come in force at once.
3. (a) Substitution of Section 32 A -

For the existing Section 32 A the following be substituted:-

32A (1). - Grant of Sanad in Settlement Zone - Notwithstanding anything contained in the section 32 of this Code, any land demarcated as Settlement in the Outline Development Plan and the Regional Plan as duly notified under the Goa Daman and Diu Town and Planning Act 1974 (Act No. 21 Of 1975) shall be deemed to be converted for residential purpose.

Provided no development work shall be commenced on such land without payment of fees prescribed under section 32 (6)

(2) In case any development work for residential purpose is carried out without payment of fees prescribed under section 32 (6), the holder or other person claiming through or under him shall be liable for penalties set out in section 33.

4. Amendment to section 33

The words "or 32 A" appearing in section 33 be deleted.

5. Amendment to section 97

(i) In sub-section 4 and 6 of section 97 the words "Revenue or Survey Officer not below the Rank of Deputy Collector " shall be substituted by the words "the Mamlatdar of the Taluka"