GOVERNMENT OF GOA

Department of Revenue

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16/26/1/2023-Rev-I/1212

RULES

The Goa Restrictions on Transfer of Agricultural Land Rules, 2023

In exercise of the powers conferred by section 12 of the Goa Restrictions on Transfer of Agricultural Land Act, 2023 (Goa Act 18 of 2023), the Government of Goa hereby makes the following rules, namely:—

1.Short title and commencement.— (1) These rules may be called the Goa Restrictions on Transfer of Agricultural Land Rules, 2023.

2.Definitions.— (1) In these rules, unless the context otherwise requires,—

(a)"Act" means the Goa Restrictions on Transfer of Agricultural Land Act, 2023 (Goa Act No. 18 of 2023);

(b)"Form" means a form appended to these rules;

(c)"period of cultivation" means a period certified by the Mamlatdar as a period during which agricultural land was under cultivation;

(d)"Plan" as referred to in section 2 (c), means the Regional plan as in force under the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) on the date of commencement of the Goa Restrictions on Transfer of Agricultural Land Act, 2023 (Goa Act No. 18 of 2023);

(e)"section" means a section of the Act;

(f)"Talathi" means a person appointed as Talathi by the Government;

(g)"transferor" means a person who intends to transfer his agricultural land;

(h)"transferee" means an individual or Industrial or Commercial undertaking or Co-operative farming society referred to in section 3 (1) (a), (b) and (c) of the Act who intends to purchase the agricultural land for carrying out agriculture;

(i)"Zonal Agricultural Officer" means a person appointed as Zonal Agricultural Officer by the Government.

(2) Words and expressions used but not defined in these rules shall have the same meanings assigned to them in the Act.

3.Production of documents.— (1) Agriculturist who intends to purchase/acquire agricultural land shall produce before the Registering Authority, Krishi Card or a Certificate issued by the Mamlatdar, or by authorized competent authority of any State Government, or such other document showing that he or she is an agriculturist.

(2)Any person who cultivates agricultural land in the State of Goa may make an application to the concerned Mamlatdar for a certificate that he is an agriculturist. The Mamlatdar may conduct such local inquiry as deemed fit by him and issue him such certificate.

(3)The Mamlatdar shall on an application made to him by an applicant or on a

reference made to him by the Registering authority, about the nature of land, shall after conducting such local inquiry as deemed fit by him, issue a certificate certifying the nature of land which shall be binding.

4.Cultivation of agricultural land permitted under section 3.— (1) The transferee on acquisition of agricultural land shall take up agriculture on such land within a period of three years from the date of acquisition of such land and continue to carry thereon agriculture, failing

which, such land shall vest in the Government, upon expiry of said period of three years or from the date of abandonment or discontinuation of agriculture.

(2) The Collector may on an application made by an individual grant permission to transfer agricultural land to his legal heirs/successors during his life time.

5.Procedure to be followed by the Collector under section 3.— (1) The transferor or transferee shall jointly apply to the District Collector in

Form I hereto alongwith the following documents:—

(i)An Affidavit stating that he shall take up agriculture on agricultural land within a period of three years from the date of acquisition of such land and continue to carry thereon agriculture.

(ii)All other documents mentioned in Form I hereto.

Form I hereto the Collector shall scrutinize such application and if he finds the same incomplete, shall intimate to the applicant within seven days directing him to comply with the observations raised by the Collector within 30 days.

(2)The decision to forward the application or reject the same will be taken within seven days of filling of application complete in all respects.

(3)In the event the applicant complies with the observations, the Collector shall after considering Report of the Mamlatdar in

Form II decide the application. If the applicant fails to comply with the observations, the Collector shall reject the application.

7.Procedure for conducting inquiry.— (1) The Collector shall forward the application complete in all respects alongwith documents to the Mamlatdar for conducting inquiry.

(2)The Mamlatdar upon receipt of the application shall examine the same and conduct a joint inspection alongwith the Talathi, the Zonal Agricultural Officer or his representative and the applicant, within seven days from the date of receipt of application.

(3)The Mamlatdar shall give his report in

Form II hereto to the Collector.

(4)The report of such joint inspection in

Form II hereto shall be forwarded to the Collector within seven days of such inspection and shall bear signatures of the Mamlatdar and the Zonal Agricultural Officer.

Form II hereto, the Collector shall examine the report and grant permission in Form III hereto or refuse to grant permission with reasons therefor within a period of thirty days from the date of receipt of the report.

(2)The Collector shall keep record of all such applications received, permissions granted and applications rejected.

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Form III hereto and copy of applications rejected in Form IV here to the Taluka Mamlatdar. The Mamlatdar shall make an entry in the remark column of the Form No. I & XIV that "Land is agricultural land and the permission is granted under the Goa Restrictions on Transfer of Agricultural Land Act, 2023 and rules framed thereunder" and all permissions so granted will be recorded in the register maintained by the office of the Mamlatdar.

(4)Sub-Registrar shall send copy of every transfer of agricultural land made under the Act and the rules framed thereunder to the Taluka Mamlatdar who shall record it in the register so maintained.

(5)The Mamlatdar or the official designated by the Mamlatdar shall carry out inspection of such land wherein permission has been granted once in every six months and if any contraventions of the said Act and rules are noticed including failure to take up agriculture within the required time or continue to carry the same, the Mamlatdar shall issue notice to concerned parties and prepare report in presence of witnesses and submit to the Collector, who shall proceed as required under the Act.

9.Recovery of penalty under section 5.— (1) The penalty under section 5 shall be paid by the transferor and the transferee before the Collector in lumpsum or in two equal installments.

(2) If the transferor as well as transferee makes a default in the payment of the whole or part of the penalty, the Collector shall refer the matter to the Mamlatdar concerned and the Mamlatdar shall proceed to recover the sum which is in arrears on the date of order together with any interest due as arrears of land revenue.

10.Procedure to be followed by the Collector under section 6 after forfeiture. — (1) When the Collector declares that any transfer is in contravention of section 3 of the Act, direct the Mamlatdar to forfeit the land in favour of the Government and the possession of land shall be taken over by the Mamlatdar concern within a period of 60 days from the passing of order by the Collector.

(2)The Collector after taking possession of the land shall direct the land so forfeited to dispose by public auction only to the agriculturist.

(3)The cost incurred by the Collector for removal of any impediment on the land while taking possession of the same shall be recoverable as an arrears of land revenue from the transferee.

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FORM – I

[(See rule 5 (1)]

Application for permission to transfer agricultural land to a person other than agriculturist

To,

The Collector,

District ,

Sir/Madam,

I/We intend to alienate agricultural land under section 3 (1) of the Goa Act 18 of 2023.

1.Name of the Applicant son/daughter/ wife of resident of Village Taluka District .

2.Permanent address Village/Town Taluka District

3.Present Occupation and address:

4.Land use

5.Particulars of the land applied for:

i) District ii) Taluka iii) Village

Sl. No	Survey No.	Sub Div No.	Classification of land

6.Particulars of the person(s) to whom land is intended to be transferred: Name son/daughter/wife of resident of Village Taluka District .

7.Whether transferee is individual/co-operative society/industrial or commercial unit/relative of transferer .

8.Whether transferor is individual/Industrial/Commercial undertaking/Co-operative farming society:

9.Whether the applicant applied previously for such permission if so give the following particulars

(a)Date of application, if known

(b)Whether permission granted refused (Order Number, Date and Authority)

(c)Particulars of land permitted transferred previously:-

i) District: ii) Taluka: iii) Name of Village:

iv) Survey number and sub division number with area and classification.

10.Any other information which the applicant considers to be relevant.

11.Affidavit of the transferee is attached declaring that the transaction is not in violation of statutory provisions and the person is qualified to take up such activities.

Form I & XIV/ Form D, 2) Survey Plan 3) Zoning Certificate, 4) Registration Certificate of Industrial/Commercial undertaking/Co-operative farming Societies, 5) Title Document, 6) ID proof, 7) Address Proof, 8) Details of last agricultural activity carried out in the said land, 9) Any other document.

I/We solemnly affirm and declare:-

That whatever has been stated above is true to the best of my/our knowledge and belief and that nothing has been concealed or suppressed.

Signature of the Applicant(s)

Transferor

Date

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AFFIDAVIT

(By transferee)

I, Shri/Smt. s/d/w of age Nationality of resident of the (transferee herein) do hereby solemnly affirm that the information given in the application is true to the best of my knowledge and belief and I further declare that the transaction is not in violation of statutory provisions and I am qualified to take up such activities and I shall take up agriculture on the above land within a period of three years from the date of acquisition of such land and continue to carry agriculture thereon.

Solemnly affirmed on this day of , 20 Place:

Date:

Deponent

Identified by:

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FORM – II

[See rule 7 (3)]

Joint Inspection

Report Office of the Mamlatdar of_____Taluka

Subject: Inquiry Report as per rule 7(3) in respect of land under Survey Numbers_____applied by_____.

Whereas, an application of Shri/Smt. for permission to alienate land admeasuring sq. mtrs. situated at village_Taluka District ; has been referred under the Goa Restrictions on Transfer of Agricultural Land Rules, 2023 by the Collector of_.

And whereas, upon receipt of aforesaid application local inquiry and site inspections were carried out by the undersigned alongwith Talathi of Saza, Zonal Agricultural Officer and applicants on .

And whereas based on the local inquiry necessary reports and the required documents were obtained from revenue officers/officials and after its examination the following information is taken into consideration:

Sl. No	District	Taluka	Sy. No.& Sub Div No.	Area of land	Classification of land	Local name of the field	Nature of right held by transferor	Land in question is free hold by transferor or not and/or any encumbrances on land	Name and particulars of transferor	Whether transferor holds any other Govt. or Private land. If so give details	Name and particulars of transferee	Purpose of transfer	Land is cultivated or used for agriculture for last 3 yrs or not	Remarks

Now, therefore, the proposal is recommended/not recommended (strike out whichever is not applicable) for granting permission in favour of the applicant(s) to alienate/purchase agriculture land as per the particulars given below:-

Sl. No	District	Taluka	Sy. Sub`	No. Div	& No.	Area of land	Classification of land	Local name of the field	Name and particulars of transferor	Name and particulars of transferee	Purpose of transfer	Remarks

The above transfer is recommended subject to following conditions:

•The land shall be used only for the purpose for which the permission has been granted.

•The land shall be put to use for the purpose within a period of three years from the date of issuance of the permission order.

•The applicant shall abide by all the provisions of the Act/Rules applicable on such land.

•The land acquired by transferee cannot be transferred for any other purposes except for the purpose for which permission is granted, subject to any further authorization or permission granted by the competent authority.

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Taluka:

Date:

Signature

(North/South).

To:

The Collector, District

Signature of Recommending Authority

Zonal Agricultural Officer Taluka

Mamlatdar of Taluka

FORM – III

[See rule 6 (3) & 8]

Office of the District Collector

Subject: Permission in respect of land under Survey Numbers .

Order

Whereas, an application has been filed under the Goa Restrictions on Transfer of Agricultural Land Rules, 2023 by Shri/Smt._____(Transferor) and Shri/Smt._____transferee) for permission to alienate/purchase land admeasuring_____sq. mtrs. under the Survey No. situated at village _ Taluka District _____;

And whereas, the necessary reports alongwith the required documents have been obtained from revenue officers/officials and after its examination the case has been considered and decided;

Now, therefore, permission is hereby granted to to alienate/purchase agriculture land.

Sl. No.	District	Taluka	Sy. No. & Sub Div No.	Area of land	Classification of land	Name and particulars of transferor	Name and particulars of transferee	Purpose of transfer	Remarks
1	2	3	4	5	6 7	8	9	10	11

Brief reasons for acceptance: ---

The permission for alienation of above land shall be subject to the following conditions:- •The land shall be used only for the purpose for which the permission has been granted.

•The land shall be put to use for the purpose within a period of three years from the date of issuance of the permission order.

•The applicant shall abide by all the provisions of the Act/Rules applicable on such land.

•The land acquired by transferee cannot be transferred for any other purposes except for the purpose for which permission is granted, subject to any further authorization or permission granted by the competent authority.

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Signature
District
Collector Date

Copy to: 1) Mamlatdar of Taluka to record remark in Form I & XIV that "land is agricultural land and the permission is granted under the Goa Restrictions on Transfer of Agricultural Land Act, 2023 and rules framed thereunder".

2)Zonal Agricultural Officer (ZAO)

3)Transferor

4)Transferee

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FORM – IV

[See rule 6 (3) & 8]

Office of the District Collector

Subject: Rejection of application to alienate/purchase the agricultural land.

ORDER

Whereas, an application has been filed under the Goa Restrictions on Transfer of Agricultural Land Rules, 2023 by Shri/Smt._____(Transferor) and Shri/Smt._____(Transferee) for permission to

alienate/purchase land admeasuring_____sq. mtrs. situated at village Taluka_____District ;

And whereas, the necessary reports alongwith the required documents have been obtained from revenue officers/officials and after its examination it has been decided that the same cannot be considered;

Now, therefore, permission is hereby rejected to the applicant(s) to alienate/purchase agriculture land as per the particulars given below:—

Sl. No.	District	Taluka	Sy. No. & Sub Div No.	Area of land	Classification of land	Name and particulars of transferor	Name and particulars of transferee	Purpose of transfer	Remarks

Brief reasons for rejection:

District Collector
Date:

Copy to: 1) Mamlatdar of Taluka.
2)Zonal Agricultural Officer (ZAO)
3)Transferor
4)Transferee

By order and in the name of the Governor of Goa.

Durga Kinlekar,
Under Secretary (Revenue-I).

Porvorim,
18th October,
2023.