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## **Goa, Daman And Diu Agricultural Tenancy Rules, 1965**

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## **Goa, Daman And Diu Agricultural Tenancy Rules, 1965**

In exercise of the powers conferred by section 61 of the Goa, Daman Diu Agricultural Tenancy Act, 1964, the Government is pleased to make the following Rules. The Goa, Daman and Diu Agricultural Tenancy Rules, 1965

### **1. Short Title And Commencement :-**

(i) These Rules may be called the Goa, Daman and Diu Agricultural Tenancy Rules, 1965.

(ii) They shall come into force at once.

### **2. Definitions :-**

In these rules, unless there is anything repugnant to the subject or context:-

(a) "Act" means the Goa, Daman and Diu Agricultural Tenancy Act, 1964;

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

(c) "Profits of Agriculture" in respect of any land means the surplus remaining with the cultivator, after the expenses of cultivation including the wages of the cultivator, working on the land are deducted from the gross produce;

(d) "Section" means a section of the Act;

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

### **3. Time For Making Application To Mamlatdar Under Sub-Section (4) Of Section 11 :-**

An application for permission to terminate the tenancy under sub-section (4) of section 11 shall be made by the landlord within 90 days from the date on which the period of the notice given to the tenant under sub-section (2) of section 11 expires.

### **4. Form Of Application For Recovery Of Arrears Of Rent Under Sub-Section (2) Of Section 12 :-**

An application for recovery of arrears of rent shall be made by the landlord in Form I.

## **5. Manner Of Giving Notices By The Mamlatdar Or Tribunal**

**:-**

Any notice, required to be given by the Mamlatdar or Tribunal under the provisions of the Act or Rules shall be issued in duplicate and served by delivering or tendering, the copy to the person therein named by sending it by registered post A. D. to his address or if such person cannot be found, then by, affixing the copy to some conspicuous place on the land, if any, to which such notice refers and to the Notice Board of the Mamlatdars office concerned.

### **5A. Manner Of Giving Notice Under Section 13-A(1) And Signing Readiness To Purchase Under Section 13-A(2) :-**

(1) A landlord intending to sell any land cultivated by a tenant shall give notice of his intention to the tenant in writing in Form I-A. He shall serve this notice on the tenant by delivering or tendering it to him or by sending it by Registered Post acknowledgement due to his last known address. A copy of the notice shall also be sent to the Mamlatdar.

(2) On receipt of a notice under sub-section (1) of section 13-A, the tenant shall signify his readiness to purchase the land in writing in Form I-B within 30 days of the receipt of the notice to the landlord by delivering or tendering it or by sending it by Registered Post acknowledgement due to his last known address. A copy of the letter shall also be sent to the Mamlatdar.

### **5B. Manner Of Applying To The Collector Under Section 13-A (3) And Manner Of Determining Price Of Land Under Section 13-A (3) :-**

(1) A tenant who finds that the price at which the landlord intends to sell his land is excessive, shall make an application in duplicate to the Collector under sub-section (3) of section 13-A in Form I-C and shall present it to the Collector in person during office hours.

(2) On receipt of such application the Collector shall send a copy of the application to the landlord.

(3) The Collector shall then hold an enquiry after summoning the landlord, the tenant and their witnesses, if any, on a specified day.

(4) On the specified day or on any subsequent day to which the inquiry may be adjourned, the Collector shall take evidence of the parties and after taking into consideration the principles of assessing the market value of the land as laid down in the Land Acquisition Act, 1894, shall pass an order determining the price of

the land.

**5C.** Terms On Which A Loan May Be Granted Under Section 13-A(7) :- A loan to be granted to a tenant under sub-section (7) of section 13-A shall be on the following terms, namely:-

- (i) the amount of loan shall not exceed seventy five percent of the price of the land at which the tenant is buying the land;
- (ii) the tenant shall mortgage the land purchased by him, with the President of India till the entire loan amount and the interest payable thereon is fully paid to the Government;
- (iii) the loan shall bear an interest of nine per cent per annum and shall be repaid in ten equal or nearly equal annual instalments before such date as may be fixed by the Collector; the first instalment shall be payable on the expiry of one year from the drawal of loan;
- (iv) if an instalment of loan amount and the interest due thereon is paid within the prescribed period, the tenant shall get a rebate of three percent in the rate of interest payable by him at the time of such payment;
- (v) the tenant shall not be entitled to the transfer in any way his interest in the land till the loan amount and the interest due thereon is fully repaid;
- (vi) if the tenant commits any default in payment of any instalment of the loan amount and the interest due thereon, the balance amount of the loan to be repaid shall become immediately recoverable and Government shall be entitled to sell the land in any manner deemed suitable by the Collector and the balance amount of the loan and the interest shall be recovered from the sale proceeds and the balance, if any, shall be handed over to the defaulting tenant.

## **6. Forms Of Certificates Under Section 17 And Fees Therefore :-**

- (1) The certificate to be granted by the Tribunal under sub-section (5) of section 17 shall be in Form II, and the certificate to be granted under sub-section (6) of the said section shall be in Form III.
- (2) The scale of fees payable for a certificate in Form II or III shall be as under--

(ii) For the amount in excess of Rs. 2,000/- upto the value of Rs. 10,000/- 1 per cent.

(iii) For the amount in excess of Rs. 10,000/- 2/2 per cent. Any fraction of a hundred rupees of Rs. 51/- or more shall be treated as one hundred rupees and any fraction below Rs. 51/- shall be ignored for calculating the fees.

## **7. Form Of And Period For Making Application Under Section 18 :-**

(1) An application for possession of land or dwelling house under sub-section (1) or (2) of section 18 shall be made in Form IV.

(2) Save as otherwise provided in the Act, the period for making application under section 18 shall be two years from the date on which the right to obtain possession of the land or dwelling house, as the case may be, is deemed to have accrued to the applicant or within one year from the commencement of the Act, whichever is later.

## **8. Time For Restoration Of Possession, If The Landlord Fails To Cultivate Land Personally :-**

(1) If a landlord, who resumes any land for personal cultivation fails to cultivate the land within the period specified in sub-section (7) of section 20, he shall restore possession of the land to the tenant within three months from the date on which the above period of one year expires.

(2) The period within which tenant may apply under sub-section (8) of section 20 shall be 6 months from the date on which the period specified in sub-section (7) of that section expires.

## **9. Manner Of Apportioning Rent On Termination Of Tenancy In Respect Of Part Of Land Leased :-**

(1) For the purposes of sub-section (9) of section 20, the rent for the area remaining with the tenant shall be determined in the following manner.

(a) The rent shall be calculated at the rate fixed by the Mamlatdar, under section 24 for the village or group of villages or area in which the land is situated for the class of land to which such area belongs.

(b) If the Mamlatdar has not fixed the rate of rent under section 24 and the landlord and tenant do not agree as to the amount of the rent to be paid for such area, the landlord shall make an application in Form V to the Mamlatdar for apportionment of the rent.

(2) On receipt of an application under sub-rule (1) (b) the Mamlatdar shall give a notice to the tenant and after holding an enquiry fix the rent of the area of the land left with the tenant after taking into consideration the following factors-viz.

a) The total area and kind of the land held by a tenant before the termination of his tenancy of a part of such land and the rent paid by him therefore;

(b) The profits of agriculture of the similar lands in the locality;

(d) The improvements made in the land by the tenant or the landlord.

#### **10. Manner Of Conducting Enquiries Into Application For Possession Of Lands :-**

(1) An application shall be presented to the Mamlatdar or any other Officer authorised by him in this behalf, in person during office hours. An application need not be in any form and where the application presented to the Mamlatdar contains sufficient particulars on a subject matter which appears to fall within the scope of the Act and within his jurisdiction but does not clearly set out the relief, the Mamlatdar shall explain to the person presenting the application the nature of the relief available under the Act and shall enquire whether the applicant desires to obtain any such relief. If the applicant expresses a desire so to obtain relief, the Mamlatdar shall record in his own hand on the application the relief asked for and thereupon the application shall be deemed to be an application under section 46.

(2) Where the application does not contain the particulars specified in section 46, or is unnecessarily prolix, the Mamlatdar shall forthwith examine the applicant on oath and ascertain from him such of the particulars specified in section 46, as are not clearly and correctly stated in the application and shall reduce the examination to writing in the form of an endorsement on an annexure to the application which shall thereupon be deemed to be part of the application. Where the applicant requires time to obtain any of the particulars specified in section 46, the Mamlatdar shall grant him such time as may under all the circumstances appear reasonable.

(3) When the application is presented and has, if necessary, been treated in the manner, specified in sub-rule (2), the Mamlatdar shall require the applicant to subscribe and verify the application in his presence in the manner following or the like effect "I, A. B. the applicant, do declare that what is stated in this application is true

to the best of my information, knowledge and belief"

(4) The Mamlatdar shall endorse the application to the effect that it was duly subscribed and verified. Where the applicant cannot write, the verification may be written for him in the presence of the Mamlatdar in office and he shall affix his mark to his name in token of the authenticity of the verification and the Mamlatdar shall in such case, record that the verification was made in his presence at the request of the applicant and that his mark was so affixed.

(5) The Mamlatdar shall reject the application,

(a) where the applicant declines to make a statement on oath under sub-rule (2); or

(b) where the applicant is willing to make or has made a statement on oath under sub-rule (2), but fails to furnish the particulars specified in section 46 within the time, fixed under sub-rule (2) or altogether; or

(c) where it appears upon the face of the application;

(i) that the property or the relief claimed is not one of the kinds specified in the Act;

(ii) that the cause of action arose at a time more than the prescribed period before the application was presented; or

(d) where the applicant declines to subscribe or verify the application, as required by sub-rule (3) or (4).

(6) Where it appears to the Mamlatdar that the subject of the application is not within his jurisdiction he shall return the application to be presented before the Mamlatdar having jurisdiction, which shall be indicated to the applicant.

(7) Where the application is admissible, the Mamlatdar shall receive and file it. He shall then fix a convenient day and place for trial of the case and shall issue, at the expense of applicant, notice in Form VI to the opponent. He shall then require the applicant to appear with his documents, if any, and summon witnesses, if any, to appear on the day and at the place fixed.

The date to be fixed for the enquiry of the case shall not be earlier than ten days nor later than fifteen days from the day on which the notice is issued except for sufficient reason to be recorded in writing by the Mamlatdar. The place to be fixed for the enquiry of the case may be in the Mamlatdars office or at or near the scene of dispute or at any other spot that the Mamlatdar considers convenient to the parties.

(8) Where either party requires any witness to be summoned to appear on the day and at the place fixed, the Mamlatdar shall issue a summons in Form VII for the purpose. Such summons, shall be

issued, in duplicate, duly signed and sealed and shall be served by delivering or tendering the copy to the person therein named or by sending it by registered post A. D. to his address or if such person cannot be found, then by affixing the copy to some conspicuous part of the place, where he ordinarily resides or carries on business and to the Notice Board of the Mamlatdars office.

The Mamlatdar may issue after recording his reasons, in writing, a warrant in Form VIII for the arrest of any such witness, if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure. The payment of the cost incurred in thus procuring the attendance of witnesses shall be regulated in accordance with the Rules that may from time to time be in force in regard to the attendance of witnesses in subordinate Civil Courts.

(9) Where the applicant fails to attend or to produce his documents, if any, or to adopt measures to procure the attendance of his witnesses, if any, on the day and at the place fixed, the Mamlatdar shall reject the application whether the opponent appears or not unless the opponent admits the claim. Where the applicant attends, as required by sub-rule (7), but the opponent fails to attend and the Mamlatdar is satisfied from the evidence before him that the notice has been duly served on the opponent and in sufficient time, to enable the opponent to appear and answer on the day fixed in the notice, he shall proceed to hear and decide the application ex-parte:

Provided firstly, that if either party satisfies the Mamlatdar at any time within thirty days from the date of the rejection of an application or of an ex-parte decision that he was prevented by some unavoidable circumstances from attending or from producing his documents or from adopting measures to procure the attendance of his witnesses, as the case may be, the Mamlatdar may issue a notice in Form IX at the expense of the party, concerned, to the opposite party that the party concerned was prevented as alleged, he may rehear the case at such time and place, as he may then fix: Provided secondly that nothing in the foregoing provisions shall prevent the applicant from withdrawing his application on payment of the opponents costs.

(10) Wherein the case, mentioned in sub-rule (9) the Mamlatdar is not satisfied from the evidence before him that the notice has been duly served on the opponent and in sufficient time to enable the opponent to appear and answer on the day fixed in the notice, he



shall adjourn the trial of the case and issue a fresh notice under sub-rule (7) to the opponent.

Where any witness who has been duly summoned or for whose arrest a warrant has been issued under sub-rule (8) fails to attend on the day and the place fixed the Mamlatdar may, if he considers there is sufficient reason after taking the evidence of those present, adjourn the hearing of the case, from time to time till the attendance of such witness can be enforced. The Mamlatdar may for any other sufficient reason to be recorded, in writing, adjourn the trial of the case for such time, as he thinks fit, but not ordinarily exceeding ten days. It shall, however, be the primary duty of the Mamlatdar not to protract the proceedings unnecessarily.

The provisions of sub-rules (8) and (9) shall apply in respect of any day to which the trial of the case may be adjourned under this sub-rule as if such day were the day originally fixed for the trial.

(11) Subject to the provisions of the Act, a minor may sue or be sued, if he is represented by a natural or duly appointed guardian or next friend. The Mamlatdar may at any stage of the proceedings order that the name of any person to whom possession of the land or any part thereof may have been transferred or the addition of whom as a party appears necessary in order to enable the court effectually and completely to adjudicate upon the issues be added as an applicant or opponent as the circumstances of the case may require:

Provided that no person shall be added as an applicant without his consent: Provided also that in respect of any person so added, not being a transferee pending the case, the case shall for the purposes of the Act, be deemed to have been instituted on the day, when his name was so added. In case of the death of any party while the case is pending,

(i) If application is made within one month of such death, the Mamlatdar shall determine summarily who is the legal representative of the deceased party and subject to the provisions of the Act shall enter on record the name of such representative;

(ii) If no such application is made, the case shall abate as regards that party. Where the Mamlatdar orders the name of any person to be added as opponent or enters on the record the name of any person as the legal representative of a deceased party, the Mamlatdar shall issue to such person a notice, as provided in sub-rule (7) and the trial shall proceed on the date fixed in such notice.

(12) On the date fixed or on any day to which the proceedings may

have been adjourned the Mamlatdar shall, subject to sub-rule (9) proceed to hear all the evidence that is then and there before him and to try the relevant issues. The Mamlatdar may after due notice to and in the presence of the parties summon and examine, as a witness, any person who has not been summoned or produced by any party and may call for and cause to be proved any document which has not been applied for or produced by either of the parties where he considers it expedient in the interest of justice so to do, and may, if he thinks fit, make a personal inspection of the land, in dispute, in the presence of or after due notice to the parties. He shall without unnecessary delay record a memorandum after hearing the parties on the spot, if present, of the relevant facts observe at such inspection. The memorandum shall form part of the record of the case.

The Mamlatdar shall with his own hand, make or sign, a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds, and briefly record his reasons for his finding. Where the Mamlatdar's finding upon the relevant issues is in favour of the applicant, he shall make such order not being in excess of the powers vested in him by or under the Act, as the circumstances of the case appear to him to require and where his finding is in favour of the opponent he shall dismiss the case. In either case the costs of the suit including the costs of execution, shall follow the decision.

(13) Every order of the Mamlatdar, whether for rejecting or returning an application or whether for allowing or disallowing a claim, shall be endorsed by the Mamlatdar on the application and shall be read out by him in open court, either at once or on some future day, of which due notice shall be given to the parties and brief reasons for the order shall be placed by him on record.

(14) The Mamlatdar shall dispose of the application within period of one year from the date of service of the notice to the other party.

### **11. Ascertainment Of The Gross Produce :-**

The gross produce of a land shall be determined under section 23

(2) (iii) with reference to the average yield notified by the Mamlatdar in respect of each of the principal crops in the area on the basis of the actual crop cutting experiments undertaken by the Mamlatdar or any officer of Government or by both in that year in or near that local area: Provided that in the case in which the landlord and the tenant have agreed to a quantity to be the actual yield of land, and if such yield is less than the gross produce

determined as above, then such agreed actual yield shall be deemed to be the gross produce.

**12. Penalty Under Section 25 For The Recovery Of Rent In Contravention Of The Provisions Of Section 23 Or 24 :-**

Any landlord who recovers rent from his tenant in contravention of the provisions of section 23 or 24 shall be liable to pay by way of penalty to the tenant a sum of money not exceeding twice the excess amount of rent recovered by the landlord from such tenant, the actual penalty being such amount as the Mamlatdar may determine, having regard to all the circumstances of the case. 2 Sub rule (14) inserted by (Amendment) Rules, 2000 (O. G. Series I, No. 8 dated 25-5-2000).

**12A. The Conditions And The Manner In Which Contributions Towards The Cost Of Repairs To Bunds Shall Be Made By Government :-**

(1) The contribution towards the cost of repairs to breaches in the bunds protecting a khazan or kher land, payable under the proviso to sub-section (3) of section 26 may be paid by the Government if the following conditions are satisfied:

(a) The bund protecting the khazan or kher land is notified by Government under the proviso to sub-section (3) of section 26 as a protective bund;]

4[(b)\*]

5[(c) The Director of Agriculture, Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation certifies that the repairs have been carried out satisfactorily;

(d) The Director of Agriculture, Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation certifies the cost of repairs;].

6[(1A) The Governments contribution towards the cost of repairs to breaches in the protective bunds shall be to the extent of fifty percent of the cost of repairs subject to the maximum of 7[6,000/-] per hectare of the protected area].

(2) For the purpose of getting the contribution from the Government towards the cost of repairs to breaches in the bund under the proviso to sub-section (3) of section 26, the person, group of persons or Co-operative Society, which has undertaken the work of repairs to breaches in the bund, shall submit an application to the Mamlatdar stating therein:

i) the name and address of the applicants;

- ii) the name, if any, and the location of the bund;
- iii) the total area of the lands benefitted by the bund;
- iv) the names and addresses, of the persons, if any, other than the applicants, who have contributed to the cost of repairs to breaches in the bund;
- v) the total length of the bund which was repaired;
- vi) the date on which the work of repairs was commenced and the date on which it was completed;
- vii) brief description of the work done and the materials, if any, used for the repairs; 3 Rule 12A. inserted vide (Fifth Amendment) Rules 1968 published in O.G. Series I No. 28 dtd. 10-10-1968. 4 Original Clause (b) substituted by Amendment Rules 1974, subsequently by xth Amendment Rules 1976 same has been omitted.
- viii) the name and address of the contractor, if any, who did the work of repairs and the amount paid to him;
- ix) the total cost of repairs to breaches in the bund;
- x) the cost per hectare of the land benefitted by the work of repairs. 8[(3) The application under sub-rule (2) should be accompanied by the following documents;
  - i) A certificate from the Director of Agriculture, Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation certifying the cost of repairs, and
  - ii) A certificate from the Director of Agriculture, Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation certifying that the work of repairs has been done satisfactorily.]

(4) On receipt of the application, the Mamlatdar shall issue a public notice in Form X-A and invite the person (s) interested in the bund or the lands benefitted by the repairs to the land, to submit to him within thirty days from the date of publication of the public notice, objections if any, to the payment by Government under the proviso to sub-section

(3) of section 26, of a part of the cost of the repairs to breaches in the bund, to the applicants.

(5) The Public notice shall be published on the notice board in the offices of the Mamlatdar and the Village Panchayat concerned and also affixed at a prominent place on the bund or the lands benefitted by the bund.

(6) After the expiry of the period of thirty days, referred to in sub-rule (5), the Mamlatdar shall consider the objections, if any, received by him and after holding such enquiry as he deems

necessary, certify-

- i ) the person (s) or Co-operative Society which has/have undertaken the work of repairs to breaches in the bund;
- ii) the total cost of repairs;
- iii) the amount of contribution towards the cost of repairs which is payable by Government under the proviso to sub-section (3) of section 26;
- iv) the names and addresses of persons to whom the payment is to be made; 9[and send the proceedings along with the certificate to the Director of Agriculture, Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation for making payment of the contribution by Government].

(7) On receipt of the proceedings and the certificate, 10[the Director of Agriculture, Goa, Daman and Diu, Panaji, or the Head of the Government Department in charge of Soil Conservation] shall arrange to pay the amount of the contribution to the recipients mentioned in the certificate.

(8) Where the work of repairs to breaches in a bund is entrusted by the Mamlatdar under sub-section (3A) of section 26 (3) 11[to the Director of Agriculture of the Government of Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation shall] after the work is completed, send to the Mamlatdar a certificate giving therein-

- i) the name, if any, and the location of the bund;
- ii) the particulars of the lands benefitted by the bund;
- iii) the total cost of repairs to breaches in the bund; and
- iv) such other information as he deems necessary.
- iii) the total cost of repairs to breaches in the bund; and
- iv) such other information as he deems necessary.

(9) On receipt of a certificate, the Mamlatdar shall decide the total amount of contribution payable by Government under the proviso to sub-section (3) of section 26 and the balance amount of cost of repairs of breaches in bund, which is payable by the persons benefitted by the work of repairs 12[to the Director of Agriculture, Goa, Daman and Diu, Panaji or the Head of the Government Department in charge of Soil Conservation.]

(10) The balance amount of the cost of repairs determined under sub-rule (9) shall be distributed by the Mamlatdar over all the lands benefitted by the repairs to breaches in the bund, in proportion to the area of land held in actual possession by each person, whether as owner or tenant. The amount so distributed on a land shall be payable as follows:

(a) where the land is in actual possession of a landowner, the entire amount payable in respect of the land shall be payable by the landowner;

b) where the land is in actual possession of a tenant, the tenant shall be liable to pay five-sixths of the amount payable in respect of the land and the landlord shall be liable to pay the balance amount of one-sixth.

(11) The amount payable by a landowner, landlord or tenant shall be recovered by the Mamlatdar in ten equal or nearly equal annual instalments. The first instalment shall be paid before the 31st December of the year in which crops are raised for the first time after the completion of the work of repairs. The subsequent instalments shall be recovered before the 31st December of the year following.

(12) Interest at the rate of six per cent per annum shall be payable on the installment paid after the period specified in sub-rule (11).

13) The duties being discharged by the Mamlatdar, other than those cases in which recovery aspects are to be processed through the Mamlatdars, may also be discharged by the Director of Agriculture, Government of Goa, Daman and Diu or the Head of the Government Department-in-charge of the Soil Conservation Division].

### **13. Form Of Receipt For Rent And Manner Of Giving Such Receipt :-**

A receipt to be given under sub-section (2) of section 30 for the rent received in respect of any land shall be in Form X. The receipt shall be given in the language known to the tenant or his authorised agent, who shall sign on a copy thereof in acknowledgement of the correctness of the particulars.

### **14. Application For Determination Of Compensation For Improvements Made By Tenants :-**

An application for determination of compensation for improvements made on the land by a tenant under sub-section (1) of section 32 shall be in Form XI.

### **15. Manner Of Making Enquiry And Publication Of Notice Under Section 36 :-**

(1) Before issuing a notification under sub-section (1) of section 36, a notice shall be issued to the landlord and to the persons in actual

possession or occupation of the land in respect of which the declaration under that sub-section is contemplated, directing him to show cause why such declaration should not be made. In that notice, brief reasons for the contemplated action shall be given.

(2) If it appears that the land has remained uncultivated through default of any tenant such notice shall also be given to such tenant.

(3) The notice shall be published in the Official Gazette and a copy of the notice shall be affixed on the Notice Board of the Mamlatdars office concerned.

(4) The Landlord or the tenant shall be at liberty to adduce any oral or documentary evidence that he may desire in support of his objections. He shall also be heard in person or through pleader if he so desires.

(5) At the conclusion of the enquiry an order shall be passed giving reasons for the final decision and the substance of such order shall also be published in the Official Gazette.

(6) The notice under proviso to clause (b) of sub-section (3) of section 36 shall be published in the Official Gazette and copies of such notice shall also be affixed to the Notice Board of the Mamlatdar office concerned.

**15A.** Regulation Of Standards Of Efficient Cultivation And Management :-

(1) On the proposal of the Director of Agriculture, the Government shall issue from time to time before and during a cultivation season, directions on the following matters, for being implemented and followed by the tenants in cultivating the land held by them.]

(i) The manner in which and the period during which land used for cultivation of paddy and other crops should be levelled and the inner bunds constructed:

(ii) The manner in which and the period during which land used for cultivation of paddy and other crops should be ploughed, harrowed and puddled;

(iii) The manner in which and the period during which land used for cultivation should be freed of weeds, shrubs and other parasites growing therein;

(iv) The variety of seeds which should be used for the purpose of sowing in different classes of land;

(v) The manner in which the seeds before being sown should be treated for protecting them against pests and diseases;

(vi) The dates on which irrigation tanks, weirs and bandhara should be closed and the dates on which they should be opened to allow

water for irrigation and the person who shall be responsibly for the aforesaid operations;

(vii) The manner in which irrigation and drainage channel should be constructed and maintained in good working condition and the time limit within which it should be done;

(viii) Prohibition of cultivation of beds of channels;

(ix) The crops which should be raised and the crops which should not be raised on the bunds and embankments during the kharif season and the manner in which the bunds should be cleared of these crops after the harvest is over;

(x) The manner in which and the period for which saline water should be allowed to be stored in khazan lands.

(2) The Government shall, also from time to time, by notification in the Official Gazette, issue on the advice of the Director of Agriculture directions about (a) the programmes of agricultural operations for cultivation of various crops which should be undertaken by the tenants during each cultivating season in the local area mentioned in such Notification. Such programmes shall be prepared separately for each type of crop; and

(b) the terms of employment and the minimum wages which shall be payable to the agricultural labourers, both male and female, for carrying out different cultivating operations in different local areas. While proposing these rates the Government shall consult the Director of Agriculture, the Block Development Officers, the Labour Commissioner and the Village Panchayats, within the area concerned 15[ ... ].

(3) The directive issued by the Government under sub-rules (1) and (2) shall be given publicity in the respective villages to which they apply by exhibiting these directives on the notice board of the Village Panchayat and at other prominent places in the village, such as temple, church, office of the Comunidade, etc. The directives shall also be given publicity by beat of drums by the Village Panchayat. 15 The words "such directions shall remain in force for a period of five years from the date of such direction" have been deleted by Tenth Amendment Rules, 1975 published in the Official Gazette, Series I No. 41 dated 8-1-1976.

(4) The Block Development Officers and the Village Panchayats shall be responsible for ensuring the proper implementation of the directives issued by the Government under this rule.

(5) The Sarpanch of the Village Panchayat shall, suo moto, or on a complaint being made to him by any person in writing or orally about the non-observance of any of the directives issued by the



Government under this Rule, immediately cause a Panchanama to be made on the site about the default committed by the tenant. The Panchanama should be made with the help of atleast three independent Panchas and the tenant concerned should be called upon to be present for the Panchanama. If the tenant fails to remain present in spite of the intimation being given to him, the fact should be recorded in the Panchanama.

(6) The Sarpanch shall then forward the Panchanama to the Mamlatdar who shall after giving an opportunity to the tenant to be heard in the matter and after making such further enquiries, if any in this behalf, pass order as he deems fit in accordance with the provisions of sub-section (4) of section 37 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964].

#### **16. Principles For Fixation Of Rent Under Sub-Sections (2) And (3) Of Section 38 :-**

The Tribunal shall have due regard to the following factors while fixing annual rent under sub-sections (2) and (3) of section 38.

(i) Value of any service or contribution made towards construction of the sluice gate etc. by-

(a) The landlord or any other person, in whom the right to operate the sluice gate etc. was vested;

(b) The tenant or tenants individually as the case may be;

(ii) The charges, incurred annually by the tenant or tenants individually for maintenance of the sluice gate or other such contrivance and connected bunds or embankments.

(iii) The increase in the annual profits of agriculture in respect of the land and the value of other benefits derived by the tenants individually from the sluice gate etc.

(iv) The income from the fisheries, if any, derived by the landlord or other person immediately before the commencement of the Act or the additional benefit which accrued to the tenant.

#### **17. Application For Construction Of Water Course :-**

An application under section 39 for the construction of a water course through the land belonging to a neighbouring holder shall be made in Form XII.

#### **18. Period For Execution Of Agreement And The Form Of Agreement :-**

(1) After the Mamlatdar has passed an order under sub-section (2) of section 39 directing the neighbouring holder to permit the applicant to construct water course, the applicant shall execute the agreement under clause (vi) of sub-section (2) of section 39 within three months from the date of such order.

(2) Such agreement shall be in Form XIII.

### **19. Qualifications Of The Members And The Chairman And Constitution Of The Tribunal :-**

(1) The Chairman and members of the Tribunal shall be appointed by the Government and the appointment shall be notified in the Official Gazette.

(2) The Chairman of the Tribunal shall be a person who is holding or has held a judicial office not lower in rank than that of a Civil Judge or who is qualified to hold that office or who is or has been a legal adviser to the Government of any State or Union Territory or the Central Government for a period of not less than five years.

(3) The other members shall be persons who have experience of not less than five years in administration of law.

### **20. Applicant To Supply More Copies Of Application :-**

When an application under section 46, or under sub-rule (9) of Rule 10 is made, the applicant shall forward along with the original application as many true copies thereof as there are opponents act shall also furnish the same number of copies of notices filled in as far as practicable.

### **21. Manner Of Execution Of Orders Under Section 48 Of The Mamlatdar Or The Tribunal Or The Collector Awarding Or Restoring Possession :-**

(1) Where the order is for awarding or restoring possession, the Mamlatdar shall give effect thereto by issuing such orders to the village officer or to any subordinate under his control or otherwise as he thinks fit:

Provided that where at the time when an order is recorded for awarding possession of any land, there is a crop on such land, which has been sown by or at the expense of the opponent and the Mamlatdar is satisfied that it has been so sown in good faith, the Mamlatdar may and if the opponent makes an application for the purpose and furnishes sufficient security or deposits a sufficient sum for the payment of the costs of the case shall pass an order staying delivery of possession of such land to the applicant seeking

possession thereof, either -

(a) Until the applicant agrees to take the crop at a valuation to be made under the orders of the Mamlatdar according to the value of the crop at such time, including any instalments of the Government assessment which the opponent may have paid for the current year; or

(b) Where the applicant is not willing to take the crop at such valuation, until after the expiration of sufficient time for the crop to be gathered by the opponent. The amount of any valuation made under clause (a) of the above proviso shall be paid to the opponent through the Mamlatdar: Provided that no order shall be executed till the expiry of the period of appeal.

(2) Where the Mamlatdar or Tribunal or the Collector awards costs, such costs together with the costs of execution shall be recoverable from the party as arrears of land revenue.

## **22. Rule 22 :-**

## **23. Court Fees :-**

(1) Every application made to the Mamlatdar or Tribunal under the Act shall bear Court fee stamps of sixty five paise and every memorandum of an appeal 16 Rule 22 was deleted by Second Amendment Rules, 1966 published in the Government Gazette, Series I No. 27 dated 6-10-1966. or an application under the Act made to the Collector, or every memorandum of an appeal made to the Tribunal shall bear Court fee stamps of two rupees. 17[(1A) Every appeal or revision application made to the 18[Administrative Tribunal] under the Act shall bear a Court Fee Stamp of Rs. 5];

(2) Every application made under the Act to the Collector or the Tribunal 19[or the Administrative Tribunal] for the stay of the execution of any Award or Order against which an appeal or application is made shall bear Court fee stamps of sixty five paise: Provided that when an application or appeal is made by a member of a scheduled caste, specified in Part III of the schedule to the Constitution (Scheduled Castes) Order, 1950 or of a scheduled tribe specified in Part III of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 living in an area, notified by Government as backward area, the value of the Court fee stamps payable shall be fifty paise in lieu of sixty five paise, one rupee in lieu of two rupees 20[and two rupees and fifty paise in lieu of five rupees] respectively mentioned above.

**24. Rule 24 :-**

The Tribunal shall in any application, appeal or other proceeding filed before it have all the powers which are vested in a Civil Court under the Code of Civil Procedure 1908].