

The Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu) Rules, 1971.

Revenue Department

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**Notification**

RD/Diu/LR/58/71

In exercise of the powers conferred under section 25 read with sub-section (1) of section 10 and section 14 of the Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu) Act, 1971 (1 of 1971) and all other powers enabling him in that behalf the Lieutenant Governor of Goa, Daman and Diu is hereby pleased to make the following rules:

1. **Short title and commencement.** - (1) these rules may be called the Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu) Rules, 1971.

(2) They shall come into force at once.

2. **Definitions.** - In these rules, unless the context otherwise requires- (a) "Act" means the Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu) Act, 1971 (Act 1 of 1971).

(b) "Co-operative Farming Society" means a Co-operative Society registered or deemed to have been registered under the Maharashtra Co-operative Societies Act, 1960 as applicable to the Union Territory of Goa, Daman and Diu and classified by the Registrar under the said Act as a Farming Society.

(c) "Section" means a section of the Act.

3. **Circumstances in which the conditions subject to which transfer of land may be permitted under sub-section (1) of section 10.** - The Civil Administrator may grant permission for sale, gift, exchange, lease, assignment or mortgage of any land in respect of which any person has become an occupant under section 8, only if any of the following conditions is satisfied, namely:-

(a) The land is being sold, gifted, exchanged, leased or assigned in favour of a person who bonafide requires the land for a non-agricultural or industrial purpose;

(b) The land is being sold, gifted, exchanged, leased or assigned in favour of an industrial undertaking which requires the land for an agricultural purpose which is directly connected with the industrial operation carried out by such undertaking;

(c) the land is being sold, gifted, exchanged, leased or assigned in favour of an industrial or commercial undertaking which requires the land for a non-agricultural or industrial purpose;

(d) the land is being sold, gifted, exchanged, leased or assigned in favour of an educational, charitable or public religious institution;

(e) the land is being sold, gifted, exchanged, leased or assigned in favour of a Co-operative Farming Society;

(f) the land is being sold in execution of a decree of a Civil Court or for the recovery of arrears of land revenue or Government dues recoverable as arrears of land revenue;

(g) the land is being sold in favour of an agriculturist and the vender is either

permanently giving up the profession of agriculture or he is permanently rendered incapable of cultivating the land personally;

(h) the land is being given in gift whether by way of trust or otherwise and such gift is made bonafide in favour of a member of the occupant's family;

(i) the land is being exchanged: -

(i) with land of equal or nearly equal value held as occupant and cultivated personally by a member of the same family; or

(ii) with land of equal or nearly equal value situated in the same village with the object of forming a compact block of his holdings or with a view to have better management of the land;

(j) the land is being leased by an occupant who is a minor or a widow or a person who is subject to physical or mental disability or a serving member of the Armed Forces.

(2) Where permission for sale of any land is given in the circumstances specified in Clauses (a), (b), (c), (d), (e), (f) or (g) of sub-rule (1) it shall be subject to the condition that the occupant who is granted such permission pays to the Government a Nazarana equal to twenty five percent of the price at which the land is being sold or one hundred times the assessment of the land, whichever is higher.

(3) Where permission for the transfer of land otherwise than by sale is given under sub-rule (1), it shall be subject to the condition that the occupant who is granted such permission pays to the Government a Nazarana of rupee one;

Provided that in cases where any land is permitted to be mortgaged, it shall be subject to a further condition that if the land which is mortgaged is required to be sold on account of the failure on the part of the mortgagor to repay the loan or for any other reason, the mortgagee shall pay to the Government a Nazarana equal to twenty five percent of the sale proceeds or two hundred times the assessment of the land, whichever is higher.

**4. Mode of claiming compensation.** - Any person entitled for compensation under section 13 shall make an application to the Civil Administrator in the form annexed to these rules.

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FORM

To,  
The Civil  
Administrator  
Diu

Sir,

I, A.B. (full name) resident of ... (village) situated within, the jurisdiction of ... Village Panchayat state that I am a proprietor entitled to compensation as provided under section 13 of the Goa, Daman and Diu (Abolition of Proprietorship of Lands in Diu) Act. 1971 and, therefore, hereby apply in accordance with the notification No... dated ... issued by the Government of Goa, Daman and Diu under sub-section (1) of section 14 of the said Act, for such compensation.

Necessary particulars of the land for which I claim the aforesaid compensation are stated below:-

1. Description of land;
2. Registration number;
3. Survey number;
4. Sub-Division number;
5. Area of the land;
6. Annual amount of "Contribuico Predial" payable in respect of the said land immediately before the 20th December, 1961;
7. Amount of compensation claimed under section 13 of the Act;
8. Whether the applicant proprietor alone is entitled to the compensation;
9. If not, the particulars of the other persons entitled, as under:-
  - (a) Name of the person his/her age and residence;
  - (b) Share for which entitled;
  - (c) Signature of the sharer;
10. Whether there is any dispute about the shares between the persons entitled;
11. Whether the land is free from all encumbrances;
12. If so, the following details of such encumbrances for the purpose of clause (ii) of section 3 of the Act:-
  - (a) the nature of encumbrance;
  - (b) the amount for which the encumbrance subsists;
  - (c) name and residence of the mortgagee, creditor, etc;
13. Whether under any agreement of contract made before..... the 1971 (the appointed date) rent or other dues for any period after the said date have been paid to or compound or released by the proprietor;
14. If so, the following details of such rent or other dues for the purpose of dues for the purpose of clause (iii) of section 3 of the Act:-
  - (a) (i) Amount recovered In cash .....
  - (ii) Particulars of amount whether rent or other dues.....
  - (iii) Name of the person from who recovered.....
  - (iv) Whether any contract or agreement has been made.....
  - (b) (i) Amount of composition money, if any.....

(ii) Name of the person who  
compounded.....

(c) (i) Amount of release if any  
.....

(ii) Name of the person in whose favour  
released.....

By order and in the name of the Lt Governor of Goa, Daman and Diu.

P. S. Bhatnagar, Secretary (Revenue).

Panaji, 1st September, 1971.