



LAW & POLICY UPDATE

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Restricting the sale of agricultural land under the Goa Restrictions on Transfer of Agricultural Land Act, 2023

The Goa Legislative Assembly recently passed the Goa Restriction on Transfer of Agricultural Land Bill, 2023 with the aim of protecting agricultural land from being acquired for commercial or industrial purposes. The newly minted Goa Restrictions on Transfer of Agricultural Land Act, 2023 (**Act**) is primarily focused on safeguarding the rights of agricultural landowners and imposes limitations on the transfer of specific agricultural lands within the state of Goa.

Key aspects

- **Definition of key terms:**
 - ‘Agriculture’ means the cultivation of paddy.
 - ‘Agriculturist’ means an individual who cultivates agricultural land personally.
 - ‘Agricultural land’ means a land which is presently being used for cultivation of paddy but does not include the land earmarked for the use or purpose, partly or fully, other than agriculture in any plan prepared under the Goa Town and Country Planning Act, 1974...”
- **Differences in definitions:** It is worth noting that the definition of agricultural land in this Act differs slightly from the definitions found in other Acts, such as the Goa, Daman and Diu Land Revenue Code, 1968 and the Goa, Daman and Diu Agricultural Tenancy Act, 1964. These Acts include a broader range of land types involved in agricultural activities beyond paddy fields.
- **Restrictions on land use:** The Act prohibits the use of agricultural land for purposes other than agriculture.
- **Restricted transfer of agricultural land:** The Act prohibits the transfer of agricultural land through various means to anyone other than an agriculturist. These means include sale, execution of a Civil Court decree, recovery of land revenue arrears or any other sums, gift, exchange, lease, or any other mode of transfer.
- **Conditions for non-agriculturists:** Individuals who are not agriculturists but wish to personally cultivate agricultural land must begin agricultural activities within 3 years from the acquisition date. Failure to comply will result in the land reverting to the government after 3 years of abandonment or discontinuation.
- **Permission from the Collector:** Section 3 of the Act grants the Collector the authority to permit the transfer of agricultural land to non-agriculturists under certain conditions, such as land requirement for agriculture by industrial or commercial undertakings, a cooperative farming society, or an individual intending to take up agriculture personally, among other prescribed circumstances.
- **Invalid transfers:** Any transfer of agricultural land that violates the conditions mentioned in the Act will be considered null and void.

HSA Viewpoint

The legislative intention behind the Act is to protect the rights of agriculturists and agricultural land, focusing primarily on paddy lands. With a narrow definition of agricultural land, stringent requirements on non-agriculturists who wish to engage in agriculture, significant authority to the Collector to investigate land transfers and declare them void if not used for agricultural purposes, the Act will indeed help in protecting the interests of agriculturists and preserve agricultural paddy lands.

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- **Forfeiture of land:** Section 6 of the Act outlines the procedure for land forfeiture in cases where transfers contravene Section 3. The Collector may initiate the process by issuing a show cause notice to both the transferor and transferee. After conducting an inquiry, if the Collector determines that the transfer violates the Act, the land will be forfeited by the government without any compensation.

Conclusion

The legislative intention behind the Act is to protect the rights of agriculturists and agricultural land, focusing primarily on paddy lands. The Act's definition of agricultural land is narrow, encompassing only paddy fields and excluding other agricultural activities such as horticulture, fruit growing, seed growing, dairy farming, livestock breeding, keeping, grazing, garden, or nursery grounds. There are stringent requirements on non-agriculturists who wish to engage in agriculture, with a mandatory 3-year timeline for commencing agricultural activities on acquired land. While significant authority has been granted to the Collector to investigate and declare transfers void if not used for agricultural purposes, there are provisions for revision and appeal against orders issued by the Mamlatdar and Collector.

Notably, the provisions of the Act align with the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (where landlords can terminate tenancy if the land is used for non-agricultural purposes) and Goa, Daman and Diu Agricultural Tenancy Act, 1964 (where landlords can terminate tenancy if the land is used for non-agricultural purposes). This will indeed help in protecting the interests of agriculturists and preserve agricultural paddy lands.

