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LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

The Goa Protection of Agricultural Lands Act, 2026

(Bill No. ___ of 2026)

(To be introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
___ 2026**

The Goa Protection of Agricultural Lands Act, 2026

(Bill No. __ of 2026)

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BILL

TO PROTECT LANDS UNDER AGRICULTURE AND/OR RESERVED FOR AGRICULTURE AND TO AMEND THE “GOA, TOWN AND COUNTRY PLANNING ACT, 1974”, “THE GOA, LAND REVENUE CODE, 1968” AND “THE GOA RESTRICTIONS ON TRANSFER OF AGRICULTURAL LAND ACT, 2023” IN ITS APPLICATION TO THE STATE OF GOA.

Be it enacted by the Legislative Assembly of the State of Goa in the Seventy-Seventh Year of the Republic of India as follows:—

1. Short title and commencement.— This Act may be called, “The Goa Protection of Agricultural Lands Act, 2026.”
2. It extends to the whole of the State of Goa
3. It shall come into force on the date the Governor of Goa gives assent to the Bill, as passed by the Legislative Assembly of Goa.
4. Notwithstanding anything contained in any other legislation enacted by the Legislature of the State of Goa, except, the provisions of “The Goa Land Use (Regulation) Act, 1991” and Section 31A of the Code of Comunidade, the provisions of this Act shall prevail.
5. **Definitions** –

a) ‘Agriculture’, will have the same meaning as defined in Section 2(1-A) read with Section 7(A) and 7(B) of the Goa Agricultural Tenancy Act, 1964 as on 6th January 2026.

b) ‘Agriculturist’, means a person who cultivates agricultural land personally or as a lessee, deemed tenant or as a deemed owner or as a grantee of an Emphyteusis under the Code of Comunidade.

c) ‘Other definitions’ to the extent applicable will be as defined in “THE GOA TOWN AND COUNTRY PLANNING ACT, 1974”, “THE GOA LAND REVENUE CODE, 1968” and “THE GOA RESTRICTIONS ON TRANSFER OF AGRICULTURAL LAND ACT, 2023” and as amended by this Act.

6. Section 17A of the Goa Town and Country Planning Act, 1974 is repealed and substituted as under:-

17A (1) (a). Prohibition on cutting of hilly land and filling up of low lying land, etc.— No occupier of any hilly or sloping land or non-developable slope land shall, by himself or through his servants or agents or any other person or persons, undertake the work of cutting of any hilly or sloping land or filling up of any non-developable slope or low lying lands or development of such lands.

(b) The Chief Town Planner (Land Use), however, may grant permission only in public interest, for cutting of any hilly or slope land or filling-up of any non-developable slope or development of such land with gradient of less than 25 % or low lying lands and before granting permission, will invite objections from the public, by publication in the Official Gazette and in at least two regional newspapers circulating in the locality and record reasons for granting permission in public interest.

Provided that, nothing in this section shall apply to the activity undertaken in pursuance of the permission / licence granted under the Mines and Minerals (Development and Regulation) Act, 1957, Central Act No.67 of 1957 and Rules made thereunder.

Explanation:— for the purpose of section 17A—

(i) low lying land means and includes any land below 50 cms. or more than from the adjoining ground level;

(ii) hilly land or sloppy land means and includes any land having a gradient of 1:10 or more. The gradient will be calculated based on the contour data of Survey of India (SOI) Topographical Sheet.

(iii) Non-developable slopes means any slope in excess of 25%

(2)(a) All permissions granted by the Town and Country Planning Board and/or any other Competent Authority after 6th September 2023 based on the Order dated 6th September 2023 and which were approved by the TCP Board in its 189th meeting held on 28th August 2023 notwithstanding any judgment or decree of a court are declared null and void.

(b) All such applications where permissions were granted after 6th September 2023 and where occupancy certificate for the building/buildings, has not been issued by the Competent Authority, before the coming into force of this Act, will be reconsidered based on the Explanatory Memorandum to Section 17A of the Town and Country Planning Act, 1974, issued by the Chief Town Planner on 29th January 2010.

7. Section 39-A of the Town and Country Planning (Amendment) Act, 2024 stands repealed as of 22nd February 2024 on coming into force of this Act.

8. The Goa Restrictions on Transfer of Agricultural Land Act, 2023 shall stand amended as under:-

a) Section 2(c) stands repealed and substituted with effect from 18th April 2023:-

(c) “agricultural land” means a land which is presently being used for cultivation of paddy or was leased for cultivation of paddy by a landlord within the meaning of the Goa, Daman and Diu Agricultural Tenancy Act or under the provisions of the Code of “Comunidade” or marked as “A1 – Agriculture” in ODP or marked as “Paddy field” in RPG-21, as in force on the date of passing of this Bill .

b) Section 3(1)(d) stands repealed with effect from 18th May 2023.

c) Section 3(2) stands repealed and substituted as under with effect from 18th April 2023:-

(2) No person who owns or occupies or in possession of any agricultural land shall use or allow it to be used for any purpose other than agriculture.

d) Sub-section 3(4) stands repealed and substituted as under with effect from 1st April 2023:-

(4) If any question arises as to whether any land is an agricultural land or not, the Mamlatdar of the respective jurisdiction shall after holding such inquiry and after inviting objections by publication in the official Gazette and at least two regional newspapers circulating in the locality decide such question. While

holding such an enquiry, if the land falls within the area of any Comunidade as notified in Map No.1 (Article 2) of the Code of Comunidade, the Mamlatdar shall consider the purpose for which the land was given as shown in Tombo I and/or Tombo II, maintained under the Code of Comunidade and shall also refer to the entries in Form I and Form XIV of the Record of Rights considering Rule 48 and the proviso to Rule 51 of the Agricultural Tenancy (Revenue Survey Record of Rights) Rules, 1967.

9. The Goa, Daman and Diu Land Revenue Code, 1968 stands amended as under:-

- a) The Goa Land Revenue Code (Amendment) Act (Goa Act 20 of 2024) stands repealed with retrospective effect from 7th November 2024.
- b) All rules framed under Goa Land Revenue Code (Amendment) Act (Goa Act 20 of 2024) stand repealed.
- c) After Section 22 of the Principal Act, Section 22A shall be inserted with effect from 18th April 2023.

22A. Land used for agriculture as defined in Section 2(1) of the Goa, Daman and Diu Land Revenue Code, 1968 can only be allowed to be transferred by way of lease, sale, gift or any other instrument to an agriculturist as defined under Section 2(2) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 for the purpose of agriculture and can only be transferred to an individual agriculturist or person notified under Sections 3(1)(a) to (c) of The Goa Restrictions on Transfer of Agricultural Land Act, 2023. An individual should ordinarily be a resident in the State of Goa at least for a period of 30 years.

10. (1)(a) All permissions, licenses granted after any change of zone for converting agricultural land for non-agricultural purposes,

under Section 17(2) on or after 2nd March 2023 or Section 39A on or after 22nd February 2024 of the Town and Country Planning Act or conversion of paddy fields under the provisions of “The Goa Restrictions on Transfer of Agricultural Lands Act, 2023” or conversions allowed under Section 32 of the Goa Land Revenue Code on production of a certificate from the Director of Agriculture, are declared null and void, notwithstanding any judgement or decree of a court or a quasi-judicial authority for non-consideration of the provisions of, The Goa Land Use (Regulation) Act, 1991 or Article 31-A in the Code of Comunidade after its insertion.

(b) all such applications will be reconsidered by the Town and Country Planning Board, considering the provisions of “The Goa Land Use (Regulation) Act, 1991”, Article 31-A of the Code of Comunidade and the provisions of this Act.

(2) All pending applications and/or any other application which will be made hereinafter, if permissible, will be considered in terms of the provisions of this Act.

(3) Notwithstanding anything contained in any other law and/or judgment or decree of a court or order of any other quasi-judicial authority, if the land was given on Emphyteusis by the Comunidade for ‘agriculture’ as defined under this Act as reflected either in Tombo I or Tombo II, as maintained by the Comunidade and has been allowed to be converted to a non-agricultural purpose, such land will vest in the Comunidade in terms of Article 31-A of the Code of Comunidade on the day the Town and Country Planning Department or any other authority under the Town and Country Planning Department allowed change of zone of the land from agriculture, natural cover, etc. to settlement, commercial or industrial or any other non-agricultural purpose.

ANNEXURE TO BILL NO. OF 2026

THE GOA, DAMAN AND DIU TOWN AND COUNTRY PLANNING ACT, 1974 (ACT NO.21 OF 1975)

17. Revision of regional plan.— (1) If the Government, at any time after a regional plan has been published in the Official Gazette, is of the opinion that a revision of such regional plan is necessary, it may direct the Chief Town Planner (Planning) to undertake the revision of the regional plan and thereupon the foregoing provisions of this Act relating to the preparation of the regional plan shall, as far as may be, apply to the revision of a regional plan under this section.

(2) Notwithstanding anything contained in sub-section (1), if the Government is of the opinion that alteration/modification is necessary to be carried out to the regional plan for the purpose of rectifying any inadvertent error that has occurred in the regional plan, and for correction of inconsistent/incoherent zoning proposals in the regional plan, it may direct the Chief Town Planner (Planning) to carry out such alteration/modification to the regional plan and the Chief Town Planner (Planning) shall by notification in the Official Gazette carry out such alteration/modification to the regional plan in such manner and only to such extent as prescribed.

17A. Prohibition on cutting of hilly land and filling up of low lying land, etc.— No occupier of any hilly or sloppy land or any low lying land shall, by himself or through his servants or agents or any other persons, undertake the work of cutting of any hilly or sloppy land or filling up of any low lying land, in, over or upon any hilly or sloppy land, as the case may be, without obtaining the prior written permission from the Chief Town Planner (Land use).

Explanation:— for the purpose of section 17A—

(i) “low lying land” means and includes any land below 50 cms. or more than from the adjoining ground level;

(ii) “hilly land or sloppy land” means and includes any land having a gradient of 1:10 or more.

39A. Change of Zone.- (1) Notwithstanding anything contained in this Act, the Chief Town Planner (Planning) upon direction of the Government or on receipt of an application in this regard and with approval of the Board, may, from time to time, alter or modify the Regional Plan and//or the Outline Development Plan to the extent as specified in sub-section (2) for carrying out change of zone of any land therein, in such manner as prescribed, after giving notice of 30 days inviting suggestions from the public, provided the change of zone shall not be in respect if any eco sensitive land as may be prescribed.

THE GOA RESTRICTIONS ON TRANSFER OF AGRICULTURAL LAND ACT, 2023 (Goa Act 18 of 2023)

Section 2(c) “agricultural land” means a land which is presently being used for cultivation of paddy but does not include the land which is 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 (Act 21 of 1975);

3. Restriction on transfer of agricultural land.— (1) No person who owns or occupies or in possession of an agricultural land shall transfer such land by way of sale (including sale in execution of a decree of a Civil Court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue), gift, exchange, lease or by any other mode of transfer, in favour of a person other than an agriculturist: Provided that the Collector may on an application made in a prescribed form grant permission to transfer such land to a person other than Agriculturist in any of the following circumstances, namely:—

...

(d) in such other circumstances as may be prescribed:

...

(4) If any question arises as to whether any land is an agricultural land or not, the Mamlatdar of the respective jurisdiction shall after holding such inquiry as deemed fit by him decide such question.

THE GOA LAND REVENUE CODE 1968

32. Procedure for conversion of use of land from one purpose to another.—

(1) If an occupant of land or a tenant of such land—

(a) which is assessed or held for the purpose of agriculture wishes to use it for a non-agricultural purpose, or

(b) where land is assessed or held for a particular non-agricultural purpose, wishes to use it for another non-agricultural purpose, or

(c) desires to use it for the same non-agricultural purpose for which it is assessed but in relaxation of any of the conditions imposed at the time of grant of land or permission for such non-agricultural purpose, such occupant or tenant shall, with consent of the tenant or, as the case may be, of the occupant, apply to the Collector for permission in accordance with the form prescribed.

Explanation.- For the purposes of this section the "Director of Agriculture" means the Director of the Directorate of Agriculture to the Government of Goa.

Note: The application for permission for conversion of use of land from one purpose to another under this sub-section shall be accompanied with a certificate issued by the Director of Agriculture certifying that the land is not covered under the definition of the term "agricultural land" as defined in the Goa Restriction on Transfer of Agricultural Land Act, 2023 (Goa Act 18 of 2023)

STATEMENT OF OBJECTS AND REASONS

Under various amendments made to the Goa, Daman and Diu Town and Country Planning Act, 1974, namely Sections 16B since repealed, Section 17(2), Section 39A and passing of the Goa Restrictions on Transfer of Agricultural Land Act, 2023, has enabled largescale conversion of paddy fields, land used for horticulture and indiscriminate cutting of hills leading to largescale destruction of the environment and ecology of Goa.

The Regional Plan, 2021 after considering all requirements for land as had to be considered, under Section 11 of the Town and Country Planning Act had notified the regional plan. Thus adequate provisions had been made while preparing the regional plan which was subsequently notified. Land for settlement was identified as 526.31 sq. kilometres; land for industry was identified as 41.96 sq. kilometres as also for other purposes. Thus adequate provisions have been made for requirement of settlement and industry during the lifetime of the plan.

As in the Regional Plan of 2021, an area of 526.31 sq. kilometres had been reserved as settlement zone, no material is available to show that 526.31 sq. kilometres was insufficient for settlement when Sections 17(2) and 39A were inserted in the Town and Country Planning Act.

Consequent to introduction of Section 17(2) of the Town and Country Planning Act, a total of 342 properties have been identified of which information is available in respect of 244 cases between April 2023 and July 2024. Land converted is about 2,40,577 sq. meters.

Under Section 39A, the total number of applications in respect of which draft notifications were issued were 423 cases involving 31,54,258 sq. meters orchard land, natural cover, etc. Out of this,

final notifications have been issued in respect of 163 cases involving conversion of 12,70,113.75 sq. meters.

Apart from this, by misuse of Section 17A of the Town and Country Planning Act, hill slopes which could not be cut are being allowed to be cut and developed without considering the contours and topographical plans as prepared by the Office of the Surveyor General of India which were being followed upto September 2023.

There has been indiscriminate conversion of paddy fields, orchard lands, natural cover, etc. All these conversions are only putting up residential complexes, most of which are sold to non-residents, resulting in demographic changes in the towns and villages of Goa.

Insertion of Section 22A in the Land Revenue Code is to ensure that only genuine agriculturists and residents of Goa can take agricultural land on transfer by way of lease, sale, gift or any other instrument only for agricultural purpose and to preserve the identity of Goa as the home of the Konkani people, considering the total area of the State of Goa is only 3702 square kilometers

To protect the culture, heritage, ecology and environment, this Bill has been introduced so that any development in Goa conforms to the principles of sustainable development, which is polluter pays principle, precautionary principle, intergenerational equity and also the Public Trust Doctrine.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

Panaji

__ February 2026

Proposed By