

The Goa Compensation to the Project Affected Persons and Vesting of Land in the Government Act, 2017 (Goa Act 16 of 2017) [29-8-2017] published in the Official Gazette Series-I No. 22 (Extraordinary-2) dated 31-8-2017

GOVERNMENT OF GOA
Department of Law & Judiciary
Legal Affairs Division

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Notification
7/17/2017-LA

The Goa Compensation to the Project Affected Persons and Vesting of Land in the Government Act, 2017 (Goa Act 16 of 2017), which has been passed by the Legislative Assembly of Goa on 7-8-2017 and assented to by the Governor of Goa on 29-8-2017, is hereby published for the general information of the public.

Sharad G. Marathe,
Additional Secretary (Law).

Porvorim, 31st August, 2017.

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The Goa Compensation to the Project Affected Persons and Vesting of Land in the Government Act,
2017

(Goa Act 16 of 2017) [29-8-2017]

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ACT

to provide for compensation to the project affected persons and vesting of land in the Government.

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Goa Compensation to the Project Affected Persons and Vesting of Land in the Government Act, 2017.

(2) It extends to the whole of the State of Goa.

(3) It shall be deemed to have come into force on the 1st day of December, 2012.

2. Definitions. — In this Act, unless the context otherwise requires,—

(a) “*Authority*” means the Goa Project Affected Persons Disputes Redressal Authority established under sub-section (1) of section 5 of this Act;

(b) “*Collector*” means the Collector of the District where the land is situated and includes any other officer specially empowered by the Government by notification in the Official Gazette to perform the functions of a Collector under this Act;

(c) “*Court*” means the Court of the Principal District Judge of Original Jurisdiction and includes the Court of any Additional District Judge or the Court of Civil Judge having pecuniary jurisdiction as may be specified by the Government by notification as a Court;

(d) “*Government*” means the Government of Goa;

(e) “*land*” includes benefits arising out of land, things attached to earth or permanently fastened to anything attached to the earth;

(f) “*project*” means project undertaken by the Government for public purpose;

(g) “*Public purpose*” shall mean and include the following purposes, namely:—

(a) strategic purposes relating to State police, safety of the people; or

(b) infrastructure projects, which includes the following, namely:—

(i) projects involving agro processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing infrastructure for agriculture and allied activities such as dairy, fisheries, and meat processing, set up or owned by the Government or by a farmers’ co-operative or by an institution set up under a statute;

(ii) project for industrial corridors or mining activities;

(iii) project for water harvesting and water conservation structures, sanitation;

(iv) project for Government administered, Government aided educational and research schemes or institutions;

(v) project for sports, health care, tourism, transportation;

(vi) any infrastructure facility as may be notified in this regard by the Government;

(c) project for project affected families.

(d) project for housing, or such income groups, as may be specified from time to time by the Government;

(e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas;

(f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the Government;

(g) infrastructural project of any Statutory corporations, bodies, authorities or any other Government bodies and includes the land acquired for any project relating to Airport.

3. Compensation to the Project Affected Person.— (1) Where any land is acquired by the Government under the Land Acquisition Act, 1894 (Act 1 of 1894), the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) or any other law, dealing with acquisition of land, for the time being in force and the acquired land has been already marked out and measured and a plan has been made of the same, such land as marked in such plan shall be deemed to have been validly acquired and vested in the Government free from all encumbrances, and the Government shall pay compensation thereof to the interested person, notwithstanding the fact that the details of such land such as area, survey number or the details of the interested person such as name, address, etc., is, not specified or erroneously specified in the notification, declaration, award, notice or order issued under the said Acts.

(2) Any dispute arising out of the provisions contained in sub-section (1) shall be referred to the Authority constituted under section 5. The decision of the Authority shall be final and binding.

(3) In the event any interested person fails to claim compensation, the Collector shall cause compensation payable under sub- -section (1) to be deposited in the Court in a separate account.

4. Vesting of Land in the Government.— (1) Notwithstanding,—

(i) anything contained in the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), the Legislative Diploma No. 645 dated 30-3-1933 in its application to the State of Goa, the Goa Land Use (Regulation) Act, 1991 (Act 3 of 1991) or any other law for the time being in force, or decree, judgment or direction of any Court or rules, regulations, notifications or Orders issued by the Government; and

(ii) prohibition on, sale of land under the said Legislative Diploma No. 645 dated 30-03-1933 or development of land in no development zone or use of land under the said Act 21 of 1975 or the Act 3 of 1991, as the case may be, or rules, notifications, plans issued thereunder, the Government shall be entitled to enter into any transaction with any person, body of persons, committee, etc., including transaction to enter into contract or obtain no objection certificate from the owner, where the land is needed for public purpose and all such land purchased/ acquired by the Government shall vest in the Government free from all encumbrances of whatsoever nature and the Government shall use such land for setting up of project.

(2) Where the Government has already entered into any transaction referred to in sub-section (1) before the commencement of this Act, all such transactions shall be deemed to have been validly done, or entered into and all such land shall be deemed to have been vested in the Government free from all encumbrances.

(3) The Government shall use the land referred under sub-sections (1) and (2) for setting up of project.

5. Establishment of Authority.— (1) The Government shall for the purpose of providing speedy disposal of disputes under this Act establish by notification in the Official Gazette one or more authorities to be known as the Project Affected Persons Disputes Redressal Authority.

(2) The Authority shall consists of one person who shall be not below the rank of Secretary to the Government of Goa to be appointed by the Government by notification in the Official Gazette.

(3) If any vacancy occurs in the office of the Authority, the Government shall appoint another person in accordance with the provisions of this Act to fill such vacancy and the proceedings may be continued before the Authority from the stage at which it had reached when such vacancy arose.

Synopsis

Secretary Revenue Appointed as Project Affected Persons Disputes Redressal Authority: The Government vide Notification No. 22/21/2017-RD(Part-I)/545 dated 19-3-2018 published in the Official Gazette Series-II No.52 dated 29-3-2018 appointed Secretary (Revenue) as Project Affected Persons Disputes Redressal Authority.

6. Protection for action taken in good faith.— No suit, prosecution or other proceedings shall lie against the Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

7. Jurisdiction of Civil Courts barred.— No civil court (other than High Court or the Supreme Court) shall have jurisdiction to entertain any dispute in respect of which the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.

8. Power to make rules.— The Government may, by notification, in the Official Gazette make rules to carry out the purposes of this Act.

9. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty: Provided that no such order shall be made under this section after the expiry of a period of two years from the date of enactment of this Act.

(2) Every order made under this section shall be laid as soon as may be after it is made, before the State Legislature.

Secretariat,
Porvorim-Goa.
Dated: 31-8-2017.

SUDHIR MAHAJAN
Secretary to the Government of Goa Law
Department (Legal Affairs).