

**The Goa (Abolition of
Proprietorships, Titles and
Grants of Lands) Act, 2014**

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GOVERNMENT OF GOA
Department of Law & Judiciary
Legal Affairs Division

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Notification

7/5/2014-LA

The Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 (Goa Act 8 of 2014), which has been passed by the Legislative Assembly of Goa on 07-03-2014 and assented to by the Governor of Goa on 15-08-2014, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim 20th August, 2014.

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**The Goa (Abolition of Proprietorships, Titles and
Grants of Lands) Act, 2014**

(Goa Act 8 of 2014) [15-08-2014]

AN

ACT

*to provide for the abolition of proprietorship of lands, titles, grant
of lands in the State of Goa and for matters connected therewith.*

BE it enacted by the Legislative Assembly of the State of Goa in the Sixty-fifth Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

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

(3) It shall come into force at once.

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

(a) “agriculture” with its grammatical variations and cognate expressions, includes horticulture, the raising of crops or garden produce and dairy farming;

(b) “agriculture labourer” means a person whose principal means of livelihood is the income he gets as wages, in connection with the agricultural operations he performs;

(c) “appointed date” means the date on which this Act comes into force;

(d) “Code” means the Goa Land Revenue Code, 1968 (Act 9 of 1969);

(e) “Collector” means the Collector of the District and includes an Officer appointed by the Government for the purposes of this Act;

(f) “to cultivate personally” means to cultivate any land on one’s own account,—

(i) by one’s own labour; or

(ii) by the labour of any member of one’s family; or

(iii) by a servant on wages payable in cash or kind but not in crop share or by hired labour under one’s personal supervision or the personal supervision of any member of one’s family;

Explanation.— For the purpose of this clause—

(i) A widow or a minor or a person who is subject to any physical or mental disability or who is a member of the Armed Forces of the Union shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour;

(ii) In the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally if it is cultivated by any member of such family;

(g) “cultivation” means the use of lands for the purpose of agriculture;

(h) “cultivating tenant” means a person who cultivates personally any land belonging to another under an Agreement, express or implied, and pays rent therefor in cash or in kind or delivers a share of the produce;

(i) “Government” means the Government of Goa;

(j) “homestead” means a dwelling house together with any courtyard, compound, garden, outhouse, place of worship, family graveyard, storehouse, library, office, guest-house, tanks, wells, privies, latrines, drains and boundary walls annexed or appertaining to such dwelling house;

(k) “land” means any land used either for purposes of agriculture or for purposes ancillary thereto including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans and includes,—

(i) benefits to arise out of such land; and

(ii) things attached to such land or permanently fixed to anything attached to such land;

(l) “mundkar” means a mundkar as defined in section 2(p) of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976);

(m) “prescribed” means prescribed by rules made under this Act;

(n) “property” includes every kind of land, title to such land and property declared as ‘evacuee property’;

(o) “proprietor” includes a person who holds land granted to him or any of his predecessors-in-interest by the erstwhile Portuguese Government/regime by way of gift, sale or otherwise, his co-sharers, or person having become owner of land by prescription/adverse possession;

(p) “section” means a section of this Act;

(q) “tenant” means a tenant as defined in section 2 (23) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964);

(r) “title holder” means a person or his successors in interest who were conferred or given the title by the erstwhile Portuguese Government/regime;

(s) “Tribunal” means the Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965).

3. Abolition of proprietary and other rights.— (1) Notwithstanding anything to the contrary contained in any Usage, Settlement, Contract, Grant, Sanad, order or any other instrument, or order, Judgement or Decree of any Court or Notification or any law for the time being in force, and save as the Alvara granted under the Decree No. 3602 dated 24-11-1917 and land granted under the Code, on and from the appointed date —

(i) all rights, title and interest of every proprietor, title-holder, grantee in or in respect of lands held by him as such proprietor, title-holder, grantee, shall be deemed to have been extinguished and permanently cancelled;

(ii) all rights, title and interest of every proprietor, title-holder, owner, grantee, in respect of any lands held by him or his predecessors in title or his ancestors, under any of the titles conferred by erstwhile Portuguese Government/regime, or any lands held as such proprietor, title-holder, owner, grantee within the State of Goa, including those which has since been declared as “evacuee property” under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act No. 6 of 1964), and presently vested in the Custodian of evacuee property shall stand abolished, extinguished and permanently cancelled and all such rights, title and interest in any such proprietor, title-holder, owner, grantee to any such property/land shall stand transferred to and vest in the Government of Goa.

(iii) all such lands which are presently vested in the Custodian of Evacuee property, as a “evacuee property” under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act No. 6 of 1964), including properties/lands at Mayem, Bicholim, Cuncolim, Siolim or in any other part of the State of Goa shall stand transferred to and vest in the Government of Goa free from all encumbrances, mortgage, debt, or charge of any kind whatsoever and all right, title and interest in all such property/lands shall stand transferred to and vest in the Government of Goa.

(2) Where under any agreement or contract made before the appointed date any rent or other dues for any period after the said date has been paid to or compounded or released by a proprietor, the same shall, notwithstanding such agreement or contract, be recoverable from the proprietor, title-holder or grantee; and may without prejudice to any other mode of recovery, be realized by deduction from the compensation payable to the proprietor, title-holder or grantee under this Act.

(3) All titles conferred, all grants made, extended, issued, conferred shall stand abolished and all right, title and interest in any matter, and lands, or any other property by virtue of such title or grant shall also stand abolished, and all such right, title and interest in all such land/properties shall stand transferred to and vest in the Government of Goa, free from all encumbrances of whatsoever nature; and every mortgage, debt or charge; on any such right, title and interest to any of such title or grant over any such lands by virtue of and pursuance to such title or grant, shall be a charge on the amount of compensation payable to such proprietor, title-holder or grantee under this Act.

4. Re-grant of certain lands to the proprietor or title-holder or grantee as occupant.— (1) Immediately after the vesting of the lands in the Government of Goa under section 3, the following lands shall be deemed to have been re-granted to the proprietor or title-holder or grantee from whom they had vested in the Government of Goa and the proprietor, title-holder or grantee shall hold them from the Government of Goa as an occupant class-II under the Code, on payment to the Government land revenue as provided in section 6, namely:—

(a) Homesteads, buildings and structure together with lands appurtenant thereto in the occupation of the proprietor or title-holder or grantee, but excluding those which are in the possession of a cultivating tenant or mundkar, as the case may be;

(b) lands under the personal cultivation of the proprietor or title-holder or grantee, not being pasture or grass lands.

(2) whosoever in contravention of the provisions of section 3 and sub-section (1) refers to himself for the said title or as a proprietor of the land or as a grantee of the land and continues to so hold out shall be punished with imprisonment for a term which may extend to three months and liable for fine of Rs. 1,00,000/- (Rupees One lakh).

5. Collector to take charge of lands etc., vested in the Government of Goa.— (1) The Collector shall take charge or possession of all lands and of all rights, titles and interest therein of a proprietor, title-holder or grantee vested in the Government of Goa under section 3; and for this purpose the Collector or any Officer authorised by him, may take such steps or use such force as may be necessary.

(2) Nothing in this section shall be deemed to authorise the Collector to take possession of any land of the proprietor, title-holder or grantee which may have been re-granted to him under section 4 of this Act.

6. Liability of lands for payment of land revenue from the appointed date.— (1) All lands, the rights, title and interest of which have vested in the Government of Goa under section 3 shall, on and from the appointed date, be liable to the payment of land revenue to the Government in accordance with the revenue survey and settlement of land revenue conducted/made for the said purpose:

Provided that until the revenue survey and settlement of land revenue of such lands are made, the land revenue payable in respect of such lands shall be,—

(i) in case where any such land is held for the purpose of cultivation by a cultivating tenant, be one-twentieth of the rent or where the rent is in kind, the cash equivalent (which shall be

determined as hereinafter provided) of one-twentieth of the rent payable by the cultivating tenant to the proprietor immediately before the 20th December, 1961;

(ii) in case of any other land stated in section 4, be calculated at such rate or rates as the Collector may fix having regard to the rent payable immediately before the 20th December, 1961, for such or similar land:

Provided further that the amount of land revenue payable under the preceding proviso shall, in no case, exceed rupees twenty-five per hectare in the case of jirait land, rupees fifty per hectare in the case of paddy land and rupees seventy-five per hectare in the case of garden land.

Explanation:—

(i) “paddy land” means land used for the cultivation of paddy;

(ii) “garden land” means land irrigated by a well, tank, canal, river, nala or any other source of water and used for the cultivation of fruits including coconuts, areca nuts or vegetables;

(iii) “jirait land” means land other than a paddy or a garden land.

(2) For the purposes of sub-section (1), the Collector shall publish in the Official Gazette on the 1st January of each year the price of paddy or other crop which shall be adopted for determining the cash equivalent of the rent for that year.

7. Rights of certain cultivating tenants to be restored to possession of their lands.— (1) Any cultivating tenant who has been evicted from any land on or after 20th December, 1961, may, if the land from which he was evicted was in the possession of the proprietor, title-holder or grantee make an application to the Collector within six months from the appointed date for restoration of such land on the ground that he was evicted from such land without any reasonable excuse.

(2) On receipt of such application or suo motu, the Collector or any Officer appointed by the Government in this behalf, may make such enquiry as he thinks fit.

(3) If, on such enquiry, the Collector is satisfied that such a cultivating tenant was in possession of that land on or after 20th December, 1961, and that he was evicted therefrom by the proprietor, title-holder or grantee thereof, on any ground other than the grounds specified in sub-section (4), he may order restoration of such land to the cultivating tenant, or direct the proprietor, title-holder or grantee, to pay such compensation to him as the Collector may deem appropriate in the circumstances of the case.

(4) The grounds referred to in sub-section (3) are the following:—

- (a) the cultivating tenant had failed to pay rent to the proprietor;
- (b) the cultivating tenant had failed to cultivate the land personally;
- (c) the cultivating tenant had unlawfully sub-let the land;
- (d) the cultivating tenant had done any act which was permanently injurious or destructive to the land

8. Rights of cultivating tenants to hold land as occupants.—(1) Every cultivating tenant holding land (not being pasture or grass lands) of which he is in actual possession on the appointed date shall, as from that date, be the occupant thereof on payment of land revenue to the Government under section 6.

(2) Every agricultural labourer or village artisan, who, on the appointed day, is in occupation of any land for the purpose of his own dwelling house, shall, as from the appointed date, be the occupant thereof on payment of land revenue to the Government under section 6.

(3) Every person to whom any land is restored under section 7 shall hold such land as occupant on payment of land revenue to the Government under section 6 from the date such land is ordered to be restored to him under section 7.

(4) No land granted under this Act to any cultivating tenant, shall be sold or transferred; nor shall the same be used for any purpose other than agriculture/horticulture.

9. Occupant to cultivate land personally.— (1) If, at any time after the appointed date, the person who has become an occupant of any land under section 8, fails to cultivate such land personally, he shall, unless the Collector condones such failure for sufficient reasons, be evicted from the land which he has failed to cultivate personally.

(2) The provisions of sub-section (1) shall apply to the heirs and successors-in-title of the person referred to in sub-section (1).

10. Transfer of land barred.— (1) No sale (including sales in execution of a Decree of a Civil Court or for recovery of arrears of land revenue), gift, exchange or lease or assignment or arrangement or mortgage of any land in respect of which any person has become an occupant under sections 4 and 8, shall be made, except with the previous permission in writing of the Government, which may grant such permission in such circumstances and subject to such conditions as may be prescribed:

Provided that no such permission for sale shall be granted if the person in whose favour sale is made is other than an agriculturist in/from the State of Goa.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for an occupant to mortgage or create a charge on any land referred to in sub-section (1) in favour of the Government or a Co-operative Society or the State Bank of India or any other Scheduled Bank in consideration of a loan advanced to him by the Government or the Co-operative Society or the State Bank of India or the Scheduled Bank, as the case may be, for improvement of the land for agricultural purposes only.

11. Forfeiture of land transferred in contravention of section 10.— (1) Where in respect of the transfer of any land, the Collector suo motu or on the application of any person interested in such land has reason to believe that such transfer is in contravention of section 10, he shall issue a Notice to the transferor and the transferee to show cause as to why the transfer should not be declared to be in contravention of section 10, and shall hold an inquiry and decide whether the transfer is in contravention of section 10 or not.

(2) If after holding such inquiry the Collector declares the transfer to be in contravention of section 10, the land in respect of which such contravention has taken place shall be deemed to be forfeited to the Government without the payment of any compensation.

(3) Notwithstanding anything contained in sub-sections (1) and (2) hereinabove, all transfers made in contravention of section 10, shall be void ab initio.

12. Declaration of conferment of Occupancy Rights.— (1) As soon as may be after the appointed date, the Collector shall publish or cause to be published in the prescribed manner a Provisional Declaration in the prescribed form giving the names of the Proprietors and the particulars of the lands which are deemed to have been re-granted to them under section 4; and also the names of cultivating tenants and the particulars of lands in respect of which they are to become occupants under section 8. The Declaration shall also call upon all persons interested in the lands specified in the Declaration to submit to him the objections to the said Provisional Declarations, within two months from the date of publication of the said Declaration.

(2) The Collector shall consider the objections received by him under sub-section (1) and shall make an order disposing off each individual objection.

(3) Any person aggrieved by such an order may, within a period of thirty days from the date of such order, file an appeal to the Tribunal. The Tribunal shall dispose off such an appeal after giving the parties concerned an opportunity of being heard.

(4) The Declaration issued under sub-section (1) as modified by the orders if any, passed by the Collector, or where an appeal has been filed, as modified by the decision of the Tribunal, shall be final and shall be conclusive evidence of the conferment of occupancy rights in respect of any land under section 4 or section 8.

13. Compensation to Proprietors.— A proprietor or a grantee of land whose rights, title and interest in respect of his lands vest in the Government under section 3, shall be entitled to payment of compensation in respect of the lands which have vested in the Government and have not been re-granted to him under section 4, at the rate of twenty times the annual payment (Contribuição Predial) which the proprietor or grantee was liable to make to the erstwhile Portuguese Government/regime in respect thereof immediately before 20th December, 1961.

14. Method of payment of compensation.— (1) Any person entitled to compensation under section 13 shall, on or before such date as the Government may specify in this behalf from time-to-time by a Notification in the Official Gazette, make an application to the Collector in the prescribed form for payment of such compensation.

(2) On receipt of an application under sub-section (1), the Collector shall, after making such inquiry as he thinks fit, determine the amount of compensation payable to such person:

Provided that where there are more than one person entitled to such compensation, the Collector shall apportion the compensation among them:

Provided further that in cases of disputes regarding the apportionment of compensation among the persons entitled to the compensation, the Collector shall direct them to have their respective shares adjudicated upon by a competent Civil Court and the payment of compensation shall be in accordance with such adjudication thereof.

15. Payment of compensation.— The compensation determined under section 14 shall, after deducting therefrom the dues, if any, referred to in section 3 and sub-section (6) of section 26, be paid in cash to the person or persons to whom it is payable; but if any such person refuses to accept payment the amount payable to him shall be deposited by the Collector in a competent District Court.

16. Proprietors to deliver records to Collector and Authorised Officers.— (1) Whenever Collector or any Officer authorised by the Collector in this behalf so directs, a proprietor or grantee shall deliver to him or such other Officer as may be specified in the direction, the records relating to the lands or village or villages held by him as the proprietor.

(2) If a proprietor or grantee fails without reasonable cause to deliver any such records, he shall, be punished with a fine which may extend to two thousand rupees and in case of a continuing failure to deliver any such records, the proprietor shall be punished with an additional fine which may extend to two hundred rupees for every day during which such failure continues after conviction for the first such failure.

17. Duties and functions of the Collector.— For the purpose of this Act, the following shall be the duties and functions to be performed by the Collector, namely:—

(a) to decide whether a person is a proprietor, grantee or title-holder;

(b) to decide whether a person is an agricultural labourer;

(c) to decide whether a person is a cultivating tenant;

(d) to decide the amount of rent recoverable from the proprietor under section 3;

(e) to decide the homesteads, buildings and structures together with land appurtenant thereto and the lands under personal cultivation which are deemed to be re-granted to the proprietor under section 4;

(f) to determine the land in respect of which occupancy rights are conferred under section 8 and the person on whom they are conferred;

(g) to take measures for restoration of land to the cultivating tenant under section 7 and to recover compensation from the proprietor payable by him under sub-section (3) of that section; and

(h) to decide such other matters as may be referred to him by or under this Act;

(i) to carry out the directions and orders of the Government.

18. Commencement of Proceedings.— Except as expressly provided by or under this Act, all inquiries and other proceedings before the Collector shall be commenced by an application which shall contain the following particulars, namely:—

(a) the name, age, profession and place of residence of the applicant and the opponent;

(b) a short description of the matter about which dispute has taken place or the amount of claim, as the case may be;

(c) the circumstances out of which the cause of action arose;

(d) a list of documents, if any, and of the applicant's witnesses and the information as to whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of hearing; and

(e) such other particulars as may be prescribed.

19. Procedure.— (1) In all inquiries and proceedings under this Act, the Collector shall exercise the same powers as that of the Mamlatdar under the Mamlatdar's Court Act, 1966 (Act No. 9 of 1966) (hereinafter, in this section, referred to as the "said Act") and shall (except as provided in sub-section (3) of section 7 and section 11) follow the provisions of the said Act.

(2) In regard to any matter which is not provided in the said Act, the Collector shall follow the procedure as may be prescribed.

(3) Every decision of the Collector shall be recorded in the form of an order and shall state the reasons for such a decision.

(4) An appeal against any order of the Collector shall be filed within thirty days from the date of that order to the Tribunal.

20. Bar of jurisdiction.— (1) No Civil Court shall have jurisdiction to entertain, try, settle, decide or deal with any question which is by or under this Act, required to be settled, decided or dealt with by the Collector or by the Tribunal in appeal.

(2) No order of the Collector or the Tribunal made under this Act shall be questioned in any Civil or Criminal Court.

21. Protection of action taken under this Act.— (1) No Suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(2) No Suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provision contained in this Act or any rules made thereunder or by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

22. Power to remove difficulty.— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make such provisions (not inconsistent with this Act) as appear to it to be necessary or expedient for removing the difficulty.

(2) An order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed date:

Provided that no order under this section shall be made after the expiration of three years from the appointed date.

23. Power to make Rules.— (1) The Government may, by a Notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa, while it is in session for a total period of 30 days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modifications in the rule;

or the Legislative Assembly agrees that the rule should not be made and notifies such a decision in the Official Gazette, the rule shall, from the date of publication of such a notification, have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or permitted to be done under that rule

24. Power of the Government to issue directions.— For purpose of giving effect to the provisions of this Act and not otherwise, the Government shall have power to call for the records of any case pending before the Collector or any Officer subordinate to him or before any person or Authority under this Act; and after having examined the validity, legality and propriety of such an act, order or decision, may quash and set aside the same or issue such directions and orders as may be necessary in the interest of justice; but only after having heard all the parties who are likely to be affected by such an act, order or decision.

25. Offences.— (1) Whosoever contravenes the provisions of sub-section (4) of section 8 shall be deemed to have committed offence under this Act and shall be punished with imprisonment for a term which may extend to three months and with a fine of Rs. 1,00,000/- (Rupees One lakh).

(2) An offence under this Act shall be triable by the Sessions Court of the District.

26. Miscellaneous.— (1) Notwithstanding anything contained in any other law, rule, Act, Decree, order or Judgement of the Court, the provisions of this Act shall apply to every grant made by the erstwhile Portuguese Government/regime, every title conferred or declared by the erstwhile Portuguese Government/regime by whatever name called; and every proprietorship of any kind whatsoever, granted by the erstwhile Portuguese Government/regime by any mode whatsoever, all of which shall stand abolished and be of no effect.

(2) On and from the date of coming into force of this Act, no person shall be entitled to claim, hold out, declare, use or even maintain any such title, grant or proprietorship to the land/property of the person as the case may be.

(3) For the purpose of avoidance of doubts, it is clarified that all grants or titles granted or given in grant by the erstwhile Portuguese Government/regime who enjoyed the Title of Visconde, Conde, Marquez, etc., in all and whichever villages of Goa; and all such properties given by grant or by conferring proprietorship rights, shall stand abolished, permanently cancelled, extinguished; and all such right, title, interest in such titles, grants and proprietorships shall stand transferred to and vest in the Government.

(4) Wherever any such property under a title or grant is declared as an evacuee property and entrusted to the Custodian of evacuee property under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act 6 of 1964), all such claims of compensation shall be routed through the Custodian.

(5) The compensation payable to such a proprietor, grantee or title-holder declared as an evacuee or as the case may be, in case of properties entrusted to the Custodian, the same shall be paid and deposited with the Custodian.

(6) It is further declared that compensation determined under this Act shall be paid after deducting therefrom, the dues if any, including any Cess, Taxes, Penalties, Outstandings, etc., and compensation shall be allowed only to the landed properties or the right, title and interest in respect of lands only.

(7) Wherever a claim of Mundkarship or Tenancy has been made in terms of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976) or Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964), then such compensation for such areas or part thereof shall be paid to the

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respective Mundkar or Tenant as the case may be, and no proprietor or any grantee will be entitled to any compensation amount in respect of the said area.

Secretariat,
Porvorim-Goa,
Dated: 20/08/2014.

R. R. SRIVASTAVA
Secretary to the
Law Department
(Legal Affairs)

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**The Goa (Abolition of
Proprietorships, Titles and Grants
of Lands) Rules, 2015**

Department of Home
Foreigners & Citizenship Division

Notification

10/11/2012-HD(F&CD)/CEP

In exercise of the powers conferred by sub-section (1) of section 23 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 (Goa Act 8 of 2014) (hereinafter referred to as the "said Act"), the Government of Goa hereby makes the following rules, namely:-

1. Short title and commencement.— (1) These rules may be called the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Rules, 2015.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.— (1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 (Goa Act 8 of 2014);

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

(c) "section" means a section of the Act;

(d) "State" means the State of Goa.

(2) Words and expressions used herein but not defined shall have the same meaning respectively assigned to them in the Act.

3. Form of application to be made by proprietor or title holder or grantee.— (1) The proprietor or title-holder or grantee desirous of holding the lands as an occupant class-II in terms of section 4(a) or village artisan or agriculture labourer desirous of holding the land in terms of section 8, shall submit an application in Form I hereto to the Collector.

(2) The person making an application under sub-rule-1 shall submit alongwith application any two of the following documents as proof of occupation of the lands on which homestead, building or structure, exists to the satisfaction of the Collector. The document so submitted should contain a date prior to the appointed date so as to prove that such document originated prior to the appointed date.

(i) electricity bill issued by the Electricity Department.

(ii) water charges bill issued by the Public Works Department.

(iii) notice issued by the Custodian of Evacuee Property in connection with any construction in Evacuee Property.

(iv) house tax receipt with house number issued by local authority.

(v) any other document, which in the opinion of the Collector establishes occupation of such land/homestead, buildings or structure.

4. Procedure to be followed by the Mamlatdar and the Collector.— (1) The application and the documents received under rule 3 shall be first scrutinized by the Mamlatdar and he shall submit a report thereon to the Collector. Upon verification of the documents and the report obtained from the respective Mamlatdar, the Collector shall, if is fully satisfied about the genuineness of the case, publish the provisional declaration in terms of section 12 of the Act declaring such applicant as an "Occupant Class-II" after giving him hearing, if any and on payment of land revenue as provided under section 6 of the Act.

While declaring the applicant as an Occupant Class-II, the Collector shall clearly delineate the area granted to the applicant in the survey plan attached to the order and also lay down boundaries on all sides of the plot for proper identification.

(2) Before issuing provisional declaration in respect of lands which were vested in the Custodian of Evacuee Property, as "Evacuee Property" under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act No. 6 of 1964), the Collector shall consult Custodian of Evacuee Property also.

(3) The Collector shall before issuing provisional declaration, identify on survey plan areas which are traditionally used as open space, playground, recreational purposes or for any other public purpose and such land shall continue to vest with the Government.

(4) The Collector shall ensure that necessary and appropriate area is allowed to a public road or as access to a well or to other place of public utility service.

(5) If the applicant is unable to furnish the documents to prove his possession or the report of the Mamlatdar indicates that the applicant was not in possession of any land, homestead, building or structure, the Collector shall pass appropriate order in the matter after affording due opportunity of being heard to the applicant.

(6) Mamlatdar shall submit the report to the Collector as regards libraries, temples, churches, mosques or any other religious structure in the lands vested in the Government under the Act and the Collector shall, after receipt of proper documentary evidence, by order, transfer such area as may be required and deemed fit in the circumstances, as Occupant Class-II to such entity as may be recommended by the Mamlatdar.

5. Conduct of revenue survey.— The Collector shall cause to conduct revenue survey and settlement of land revenue as provided under section 6 of the Act through the Directorate of Settlement and Land Records.

6. Application for restoration of land under section 7.— Every person desirous of restoration of land under section 7 shall apply to the Collector in Form-II hereto, alongwith the documents as specified in sub-rule (2) of rule 7 of these rules.

7. Form of Application and procedure for granting land which is under personal cultivation or to cultivating tenant.— (1) The proprietor or title holder or grantee who personally cultivates land in terms of section 4(b) or the cultivating tenant as referred in sub-section (1) of section 8 shall apply to the Collector in Form-III hereto.

(2) The person applying under sub-rule (1) shall submit the following documents to prove that he is cultivating and continues to be in possession of the land, applied for.

(i) Form I and XIV prescribed under the Goa, Daman and Diu Land Revenue (Records of Rights and Register of cultivators) Rules, 1969, in which name of the applicant appears in the column of cultivators/tenants.

(ii) Lease agreement between landlord and tenant.

(iii) Paddy declaration issued by a competent authority.

(iv) Receipts of rent paid to the landlord by the applicant.

(v) Proof of cultivation of land.

(vi) Any other document for proving aforesaid to the satisfaction of the Collector.

8. Conditions governing permission.— (1) Subject to following conditions the Government may grant permission stated in sub-section (1) of section 10 to the occupant of land as specified in sections 4 and 8, on an application made in Form IV hereto.

(a) The land shall be used only for the purpose for which it is granted.

(b) The terms and conditions imposed upon the grantee at the time of grant under sections 4 and 8, shall be applicable to the transferee.

(c) The land with all fixtures and structures thereon shall be liable to be reassumed by the Government, if not used for the purpose for which it is granted.

(d) The transfer of land may be made only in favour of individual and transfer in favour of any entity, other than individual, such as firm, company, association of persons shall not be permitted.

(e) Any other condition which the Collector deems fit to impose at the time of grant of permission under section 10.

(2) The Government may also reject any proposal regarding permission to transfer land under section 10 of the Act, without assigning any reasons, and the decision of the Government in this regard shall be final.

9. Conditions governing grant of land under section 4 and 8.—

(1) The Collector shall impose following conditions while granting land under sections 4 or 8.

(a) The grantee shall not mortgage, sell, assign or otherwise transfer the land or any portion thereof, except with the prior written approval of the Government.

(b) The total area of land including the land on which the homestead, or building or structure is standing as also the lands surrounding them shall not exceed five hundred square metres or the actual area of such homestead, building or structure whichever is less, subject however that a maximum limit of 5 metres from the outer walls of such structure or homestead or building may be allowed within said maximum area of five hundred square metres:

Provided that, where the distance between the outer walls of the homestead or building or structure of the grantee or more than one grantees, is inadequate to provide to such grantee such five metres from the outer walls, the land appurtenant to the homestead or building or structure, shall be apportioned in equal shares as far as practicable by the Collector.

(c) No grantee nor his/her spouse shall be entitled for land once any one of them is granted land for their one dwelling house, except where such individual has an established place of business at other place distinct from the place of his/her dwelling house:

Provided that, the business aforesaid shall be the business which is other than the business of letting of premises on rent on such lands. Where there are such premises given on rent, the rent thereof shall be payable to the Collector and the lessee shall approach the Collector for entering into an agreement of leave and license or lease agreement, as may be decided by the Government.

(d) The grantee shall follow all the rules and regulations and pay all the dues, taxes, etc. from time to time.

(e) If the grantee commits breach of any of the terms and conditions of the grant, the Collector shall take possession of the land so granted to him.

10. Form of provisional declaration.— (1) (a) The provisional declaration as stated in section 12 shall be published in the Official Gazette in Form VI hereto in respect of lands under personal cultivation and of cultivating Tenant and for others it shall be in Form V hereto.

(b) The Collector shall arrange to display the provisional declaration in the office of the respective Mamlatdar/Deputy Collector, Village Panchayats/Municipalities and at any other place as the Collector deems fit.

11. Application for payment of compensation.— The application for payment of compensation referred to in sub-section (1) of section 14 shall be in Form VII hereto.

By order and in the name of the Governor of Goa.

Harish N. Adconkar, Under Secretary (Home-I).

Porvorim, 15th July, 2015.

FORM-I

[See rule 3(1)]

Application for declaring the Proprietor or title holder or grantee as an
Occupant Class-II under section 4 or 8 of the Goa (Abolition of
Proprietorships, Titles and Grants of Lands) Act, 2014

To,

The District Collector

.....
.....
.....

I, Shri/Smt.
resident of, hereby apply for grant of land as
an Occupant Class-II as Proprietor/title holder/grantee.

I say that, I am residing at House No.Village Ward
.....
Village, Post Office....., Taluka,
District, Goa. PIN
since

I say that, I/my parents had constructed a house at the above address
prior to the appointed date i.e. 15-08-2014 and have been continuously
residing therein since.....

I say that the said house is having water connection and electricity
connection, and has been allotted house number by the Village
Panchayat/Municipality, before the appointed date.

I say that, in pursuance to section 4 of the Goa (Abolition of
Proprietorships, Titles and Grants of Lands) Act, 2014, I am entitled to hold
the land together with the dwelling house stated above, as Occupant Class-II
under the Code, for which I agree to pay the land revenue from time to time,
to the Government as provided under section 6, thereof.

I pray that my name be entered in Government record as Occupant
Class-II, of the above said land.

I also undertake to abide by the following conditions, in terms of the
Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and
rules made thereunder.

(1) I, my heirs, assigns and legal representatives shall not mortgage,
sell, assign or otherwise transfer the land or any portion thereof except with
the previous sanction of the Government.

(2) If I commit a breach of any of the terms and conditions of grant or
any provisions of the Goa (Abolition of Proprietorships, Titles and Grants of
Lands) Act, 2014 and rules made thereunder, the Collector may resume and
take possession of the land granted to me, and I shall be liable to be evicted
from the said land.

(3) I also agree to unconditionally abide by any other terms and
conditions, which the Collector/Government may like to impose at the time
of grant of land.

I am attaching the following documents in accordance with the Goa
(Abolition of Proprietorships, Titles and Grants of Lands) Rules, 2015.

.....
.....

I state that, whatever stated above is true to the best of my knowledge and nothing material has been concealed by me.

Date:

Place: (Signature of the Applicant)

FORM-II

(See rule 6)

Application for Restoration of Land under section 7 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

To,

The District Collector

.....

.....

.....

I, Shri/Smt., resident of hereby apply for restoration of the land specified below, which is currently in possession of

The Description of Land:—

Taluka:

Village:

Survey description

Area:

Name of the Occupan:

I state that I was evicted from the land on ground other than the grounds specified under sub-section (4) of section 7 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and the same was personally cultivated by me.

The said property is in possession of resident
of H. No. since

I state that I am entitled for restoration of possession of the land under
section 7 of the Goa (Abolition of Proprietorships, Titles and Grants of
Lands) Act, 2014.

Place:
Date: (Signature of the Applicant)
Encl:

FORM-III

(See rule 7)

Application for allotment of land under section 4(b) and 8
of the Goa (Abolition of Proprietorships, Titles and
Grants of Lands) Act, 2014.

To,
The District Collector
.....
.....
.....

I, Shri/Smt.,
resident of hereby apply for
grant of land under section 4(b)/8 of the Goa Abolition of Proprietorships,
Titles and Grants of Lands) Act, 2014.

I say that I have been personally cultivating the land and is in possession
of the land described herebelow prior to the appointed date:

Taluka:

Village:

Survey description

Area:

Name of the Occupant:

I agree to pay the land revenue from time to time to the Government as provided under section 6 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

I pray that my name be entered in survey record as Occupant of the above said land.

I undertake to abide by the following conditions in terms of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules made thereunder.

(1) I, my heirs, assigns and legal representatives shall not mortgage, sell, assign or otherwise transfer the land or any portion thereof except with the previous sanction of the Government.

(2) If I commit a breach of any of the terms and conditions of the grant or any provisions of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules made thereunder, the Collector may resume and take possession of the land granted to me, and I shall be liable to be evicted from the said land.

(3) I also agree to unconditionally abide by any other terms and conditions, which the Collector/Government may like to impose at the time of grant of land.

I am attaching the following documents in accordance with the Goa (Abolition of Proprietorships , Titles and Grants of Lands) Rules, 2015.

.....
.....

I
State that, whatever stated above is true to the best of my knowledge and nothing material has been concealed by me.

Date:
Place: (Signature of the Applicant)

FORM-IV

[See rule 8(1)]

Application for transfer of land under section 10 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

To,
The District Collector

.....
.....
.....

I, Shri/Smt. resident of
..... hereby state that, in pursuance
of Government Notification No. dated / / published in
Official Gazette, I have been declared as an Occupant Class-II under
section 4/8 of the Goa (Abolition of Proprietorships, Titles and Grants of
Lands) Act, 2014 in respect of following land.

Taluka:	Village:	Survey description:	Area:
---------	----------	---------------------	-------

I hereby state that I intend to transfer the possession/ownership in favour of
Shri/Smt. through sale/exchange/gift/
/mortgage/lease and therefore seeks
the permission of the Government to transfer the land described above.

The reasons for transfer of the ownership/possession of the lands are as
under:

I also state that, the transferee shall not use the said land for any purpose
other than for which it was granted.

I state that, whatever stated
above is true to the best of my knowledge and nothing material has been
concealed by me.

Date:

Place: Signature of Applicant

FORM-V

[See rule 10(1)]

Proforma for conferment of occupancy rights as Occupant Class-II under section 4(a) and 8(2) of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

Provisional Declaration:

Whereas, the applicants specified in column No. (2) have applied for grant of land in pursuance of sections 4(a) and 8(2) of the said Act vide their applications received in this office as per dates indicated in column No. (3).

Sr. No.	Name of Applicants	Date of Application	Taluka:	Village:	Survey description:	Area:	Boundaries on all four sides:
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

And whereas, the request of the applicants have been examined as per documentary evidence adduced by them in accordance with the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Rules, 2015, and have also been examined independently based on the report received from the concerned Mamlatdar and Custodian of Evacuee Property in respect of the lands which were vested in the Custodian of Evacuee Property as "Evacuee Property" under the Goa, Daman and Diu (Administration of Evacuee Property) Act, 1964.

And whereas, the applicants mentioned below have paid the land revenue as assessed in terms of section 6 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and have duly submitted the payment receipt thereof.

And whereas, the undersigned being satisfied that the following applicant fulfil all the essential conditions/criteria laid down under the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules framed thereunder, hereby provisionally declare the applicants as "Occupants Class-II" under the Goa Land Revenue Code, 1968 subject to the following conditions.

Sr. No.	Name of Applicants	Taluka:	Village:	Survey description:	Area:	Boundaries on all four sides

The grant of land is subject to following terms and conditions:—

(1) The land granted shall be used only for the purpose of dwelling house within the area as mentioned herein above.

(2) The grantee, or his/her heirs, assigns and legal representatives shall not mortgage, sell, assign or otherwise transfer the land or any portion thereof except with the previous sanction of the Government.

(3) If the grantee commits breach of any of the conditions or any provisions of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules made thereunder, the Collector may resume and take possession of the land granted to him/her, and that, he/she shall be liable to be evicted from the said land.

(4) The grantee also agrees to unconditionally abide by any other terms and conditions which the Collector/Government may like to impose from time to time.

In case, any interested person in the lands specified above, has any objection to the said provisional declaration he/she may file objection/say in writing, within two months from the date of publication of this provisional declaration in Official Gazette and notice is hereby given that the objections received under sub-section (1) of section 12, shall be disposed off individually and appeals against such decision/order of the Collector shall lie with the Tribunal.

The said declaration, as modified by any orders, if any, passed by the Collector, or where an appeal has been filed with the Tribunal, as modified by the decision of the Tribunal, shall be final and shall be conclusive evidence of the conferment of the occupancy rights under section 4(a) and 8(2).

Place:

.....

Date:

(Collector)

FORM-VI

[See rule 10(1)]

Proforma for conferment of occupancy rights as Occupant to cultivating tenant under section 4(b) and 8(1) of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

Provisional Declaration:

Whereas, the below mentioned applicants as per column No. (2) have applied for grant of land in pursuance to section 4(b) and 8(1), as cultivating tenants, vide their applications received in this office as per dates indicated in column No. (3).

Sr. No.	Name of Applicants	Date of Application	Taluka:	Village:	Survey description:	Area:	Boundaries on all four sides
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

And whereas, the request of the applicants have been examined as per documentary evidence adduced by them and have also been examined independently based on the report received from the concerned Mamlatdar and Custodian of Evacuee Property in respect of the lands which were vested in the Custodian of Evacuee Property as "Evacuee Property" under the Goa, Daman and Diu (Administration of Evacuee Property) Act, 1964, before the appointed date.

And whereas, the applicants mentioned below have paid the land revenue as assessed in terms of section 6 of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and have duly submitted the payment receipt thereof.

And whereas, the undersigned being satisfied that the following applicants fulfil all the essential conditions/criteria laid down under the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules thereunder, hereby provisionally declare the applicants as "Occupants" in the category of "Cultivating tenants" under the Code, subject to conditions agreed by the applicants as per their applications, which are also reproduced below the list.

Sr No.	Name of the Grantee	Taluka:	Village:	Survey description:	Area:	Boundaries on all four sides
--------	---------------------	---------	----------	---------------------	-------	------------------------------

The conditions underlying the grant shall be as under:-

- (1) The land granted shall be used only for the purpose of cultivation within the area as mentioned herein above.

- (2) The grantee, or his/her heirs, assigns and legal representatives shall not mortgage, sell, assign or otherwise transfer the land or any portion thereof except with the previous sanction of the Government.
- (3) The grantee undertakes that in case if he commit a breach of any of the provisions of the Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 and rules made there under, the Collector may resume and take possession of the land granted to him/her, and that, he/she shall be liable to be evicted from the said land.
- (4) The grantee also agrees to unconditionally abide by any other Condition/s, which the Collector/Government may like to impose.

In case, any interested person in the lands specified above, has any objection to the said provisional declaration he/she may file objection/say in writing, within two months from the date of publication of this provisional declaration in Official Gazette and notice is hereby given that the objections received under sub-section (1) of section 12, shall be disposed off individually and appeals against such decision/order of the Collector shall lie with the Tribunal.

The said declaration, as modified by any orders, if any passed by the Collector, or where an appeal has been filed with the Tribunal, as modified by the decision of the Tribunal, shall be final and shall be conclusive evidence of the conferment of the occupancy rights under section 4(b) and 8(1).

Place:
Date: (Collector)

FORM-VII

[See rule 11]

Application Form for compensation under section 13 of the Goa
(Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014.

From:
.....
.....
.....
To,
The District Collector
.....
.....
.....

Madam/Sir,

Kindly arrange to pay the compensation in accordance with section 13 of the Act. In this regard, the following information may please be considered for deciding my case:

(1) I say that, the undersigned is the proprietor/grantee/legal heir of proprietor/grantee.

(2) I say that land admeasuring..... sq. mtrs surveyed under Survey No. of Village Panchayat/chalta No. of Municipality, has been vested in the Government in accordance with section 3 of the said Act.

(3) I say that, the aforesaid land has not been re-granted to me in terms of section 4 of the Act.

(4) I say that, in terms of sub-section (1) of section 13 of the said Act, I am entitled for compensation in respect of the aforesaid land.

(5) I say that, I am the sole legal heir/I am entitled for..... share in the aforesaid property as adjudicated by Civil Court/as per inventory proceedings finalised and the documentary evidence in support of the claim is adduced here to.

In view of the facts of the case and the documents adduced by me, I may be paid compensation in terms of section 13 of the Act. The details of the Bank Account number and IFCS code are as under:

Account No.:

Name and title of the Bank Account:

Type of Bank Account:

Bank Name, with Branch:

IFCS Code:

I, affirm that, the information provided in this form is correct to the best of my knowledge and nothing material has been concealed or omitted.

Place:

Date: Signature of the Applicant

Encl:

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