



LEGISLATIVE ASSEMBLY OF GOA

The Goa Mundkars (Protection from  
Eviction) (Amendment) Bill, 1993

(Bill No. 28 of 1993)

(By *Shri Radharao F. Gracias,*)

*M.L.A.*

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(To be introduced in the Legislative Assembly of Goa)

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GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PANAJI

JULY, 1993

The Goa Mundkars (Protection from Eviction)  
(Amendment) Bill, 1993

(Bill No. 28 of 1993)

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BILL

*further to amend the Goa, Daman and Diu Mundkars  
(Protection from Eviction) Act, 1975.*

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

1. *Short title and commencement.* — (1) This Act may be called the Goa Mundkars (Protection from Eviction) (Amendment) Act, 1993.

(2) It shall come into force at once.

2. *Amendment of Section 2.* — In section 2 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976) (hereinafter referred to as the “principal Act”) —

After clause (p), the following clause shall be inserted, namely: —

“(pp) ‘Mundkar plot’ means and includes the area occupied by the dwelling house and the area appurtenant thereto, and shall also include an area equivalent to the area of the structures belonging to the mundkar if the same are to be shifted within the mundkar plot or otherwise removed from the area outside the mundkar plot”.

3. *Insertion of new section 29 A.* — After section 29 of the principal Act, the following section shall be inserted namely: —

“29 A. — (1) After the registration of a mundkar, either the mundkar or the bhatkar, may move an application before the Mamlatdar for demarcation of the mundkar plot. After giving the mundkar the opportunity to exercise the option contemplated under section 2(i) (explanation-1) the Mamlatdar shall demarcate the area of the mundkar plot and affix boundary marks separating the same from the remaining area of the property of the bhatkar.

(2) Upon such demarcation the mundkar shall have the right whether he has purchased the mundkar plot or not:

- (a) to reconstruct and/or extend his dwelling house within the mundkar plot;
- (b) to construct or reconstruct a toilet and/or bathroom with soak pit and septic tank within the mundkar plot.

The mundkar shall not be required to obtain any land conversion for the purpose of construction/reconstruction/extension of the dwelling house or shifting of any structure within the mundkar plot. No permission from the bhatkar shall be required for such construction/reconstruction/extension. However, all such construction/reconstruction/extension shall be subject to all other building rules and regulations.

(3) If the mundkar has any structure/structures outside the mundkar plot, the bhatkar, may, at his own cost, require the structure/structures to be removed and/or shifted within the mundkar plot. The bhatkar shall be bound to pay the entire cost of the old structure as assessed by the Mamlatdar, to the mundkar. The cost shall be deposited by the bhatkar with the Mamlatdar, who shall pay it to the mundkar against receipt and the mundkar shall remove the structure/structures within a period of six months from the date of such deposit failing which the bhatkar may remove the structure and/or structures:

Provided that in the event of such shifting or removal the area of the mundkar plot shall be increased by an area equivalent to the area occupied by the structure or structures being shifted/removed."

## Statement of Objects and Reasons

The amendment is essential in order to more effectively implement the purposes of the original Act. This is sought to be done by granting a mundkar the right to reconstruct his dwelling house or extend it or construct toilet facilities without the consent of the bhatkar and without having to purchase the mundkar plot.

It is further essential to consolidate the holdings of a mundkar within one contiguous plot. This would avoid unnecessary friction between bhatkar and mundkar over easements which may be outside the mundkar plot. The amendment will introduce the required balance in the Act granting either the bhatkar or the mundkar the rights to obtain demarcation of the mundkar plot without resort to lengthy civil litigation.

It is, therefore, proposed to insert the aforesaid new clauses to safeguard the rights of the mundkar.

This Bill seeks to achieve the above object.

### Financial Memorandum

No financial implications are involved in the Bill.

Panaji,  
9th July, 1993.

**RADHARAO F. GRACIAS**  
M. L. A.

Assembly Hall,  
Panaji,  
20th July, 1993.

**ASHOK B. ULMAN**  
Secretary to the Legislative  
Assembly of Goa.

(Annexure to Bill No. 28 of 1993)

The Goa Mundkars (Protection from Eviction) (Amendment) Bill, 1993

The Goa, Daman and Diu Mundkars (Protection from Eviction Act, 1975:  
(Act No. 1 of 1976)

*Section 2.* — (p). "mundkar" means a person who, with the consent of the bhatkar or the person acting or purporting to act on behalf of the bhatkar lawfully resides with a fixed habitation in a dwelling house with or without obligation to render any services to the bhatkar and includes a member of his family but does not include —

(i) a person paying rent to the bhatkar for the occupation of the house;

(ii) a domestic servant or a chowkidar who is paid wages and who resides in an out-house, house-compound or other portion of his employer's residence;

(iii) a person employed in a mill, factory, mine, workshop or a commercial establishment and is residing in the premises belonging to the owner or person in charge of such mill, factory, mine, workshop or commercial establishment, in connection with his employment in such mill, factory, mine, workshop or commercial establishment; and

(iv) a person residing in the whole or part of a house belonging to another person or in an out-house existing in the compound of the house, as a care-taker of the said house or for purposes of maintaining it in habitable condition.

*Explanation.* — A person shall be deemed to be lawfully residing with the consent of the bhatkar in a dwelling house if such person resides in it for a period exceeding one year prior to the appointed date and the bhatkar has not initiated any proceedings, during the said period of one year, to evict such person from the dwelling house, through a competent court of law, on the ground that such person was a trespasser or, having so initiated such proceedings, does not succeed in obtaining a decree for the eviction of such person.

29. *Register of mundkars.* — (1) In respect of every village, the Government shall cause a register of mundkars to be prepared and maintained in the prescribed manner.

(2) The register shall contain the following particulars, namely: —

- (a) the particulars and description of the dwelling house;
- (b) the location of the dwelling house;
- (c) the name and address of the mundkar;
- (d) the nature and extent of service, rendered to the bhatkar or the amount of ground rent if any paid;
- (e) the occupation of the mundkar;

(f) the rights referred to under section 6; and

(g) such other particulars as may be prescribed.

(3) The register shall be prepared and maintained by the Mamlatdar after such inquiry as may be prescribed.

(4) The Mamlatdar shall, before the preparation of the register, publish a notice, in every revenue village inviting applications from the mundkars for registration and to be presented before such date as may be specified in the notice or such further time as may be allowed by him.

Provided that if, any time after the publication of the notice, it is found that a mundkar has failed to apply for registering his name the talathi within whose jurisdiction the dwelling house is situated, may, after making such inquiry as he considers necessary, propose to the Mamlatdar to enter the name of such mundkar in the concerned register of mundkars and the Mamlatdar shall dispose of the same as provided under sub-section (5).

(5) On receipt of the application within the time specified in the notice or within such further time as may be allowed by him, the Mamlatdar shall, give notice to the bhatkar and any other person interested in the land in which the dwelling house is situated, calling upon them to file objections, if any, and requiring them to appear at a time and date specified in the notice for inquiry into the application.

(6) On the dates specified in the notice or on any other date to which the enquiry may be adjourned, the Mamlatdar shall hear such of the persons who appear and after such inquiry as may be prescribed register the mundkar or reject the application.

(7) The order of the Mamlatdar under sub-section (6) shall be served on the interested persons and shall also be published in the notice boards of the village, Office of the village in which the dwelling house is situated and also in the local newspapers.

(8) Any person aggrieved by the registration of a mundkar or by the refusal to register a person claiming to be a mundkar may, within sixty days from the date of registration or refusal, as the case may be, file an appeal to the Collector.

(9) On receipt of an appeal under sub-section (8) the Collector may call for the records of any proceeding under sub-section (6) and may make such inquiry or cause such inquiry to be made and may pass such orders thereon as he deems fit:

Provided that no order prejudicial to any person shall be passed without giving him a reasonable opportunity of being heard.