1960

- 1. The Andaman And Nicobar Islands (Municipal Boards) Amendment Regulation, 1960
- 2. The Armed Forces (Special Powers) Continuance Regulation, 1960
- 3. The North East Frontier Agency (Extension of Laws) Regulation, 1960
- 4. The Andaman And Nicobar Islands Live-Stock Improvement (Amendment) Regulation, 1960

- 1. The Indian Stamp (Andaman and Nicobar Islands Amendment)
 Regulation, 1961
- 2. The Nagaland (Transitional Provisions) Regulation, 1961
- 3. The North East Frontier Agency And Tuensang District (Extradition) Regulation, 1961
- 4. The Andaman And Nicobar Islands Gram Panchayats Regulation, 1961
- 5. The Laccadive, Minicoy And Amindivi Islands Weights And Measures (Enforcement) Regulation, 1961
- 6. The Armed Forces (Special Powers) Continuance Regulation, 1961
- 7. The Kohima And Mokokchung Districts (Transfer Of Prisoners)
 Regulation, 1961
- 8. The Andaman And Nicobar Islands Motor Vehicles Tax (Amendment) Regulation, 1961

- 1. The North East Frontier Agency (Elephants' Preservation) Regulation, 1962
- 2. The North East Frontier Agency (Criminal Law Amendment)
 Regulation, 1962
- 3. The Nagaland (Criminal Law Amendment) Regulation, 1962
- 4. The Armed Forces (Special Powers) Continuance Regulation, 1962
- 5. The Nagaland Security Regulation, 1962
- 6. The Goa, Daman And Diu (Currency And Coinage) Regulation, 1962
- 7. The Daman (Abolition of Proprietorship of Villages) Regulation, 1962
- 8. The Goa, Daman And Diu (Repeal Of Posts And telegraphs Laws) Regulation, 1962
- 9. The Goa, Daman And Diu Villages Panchayats Regulation, 1962
- 10. The Andaman And Nicobar Islands Dramatic Performances Regulation, 1962
- 11. The Goa, Daman And Diu (Banks Reconstruction) Regulation, 1962
- 12. The Goa, Daman And Diu (Laws) Regulation, 1962
- 13. The Nagaland (Transitional Provisions) Amendment Regulation, 1962

<u>1963</u>

- 1. The Goa, Daman And Diu Scheduled Goods (Movement Control) Regulation, 1963
- 2. The Andaman And Nicobar Islands Land Improvement Schemes Regulation, 1963
- 3. The Taxation Laws (Extension to Union territories) Regulation, 1963
- 4. The Armed Forces (Special Powers) Continuance Regulation, 1963
- 5. The Mahe (Stay of Eviction Proceedings) Regulation, 1963
- 6. The Dadra And Nagar Haveli (Laws) Regulation, 1963
- 7. The Pondicherry (Laws) Regulation, 1963
- 8. The Dadra And Nagar Haveli (Civil Courts And Miscellaneous Provisions) Regulation, 1963
- 9. The Nagaland Security (Amendment) Regulation, 1963
- 10. The Goa, Daman And Diu (Judicial Commissioner's Court) Regulation, 1963
- 11. The Goa, Daman And Diu (Laws) No.2 Regulation, 1963

- 1. The Andaman And Nicobar Islands (Municipal Boards) Amendment Regulation, 1964
- 2. The Minicoy Island (Abolition of Poll Tax) Regulation, 1964
- 3. The Andaman And Nicobar Islands (Repealing and Amending) Regulation, 1964

- 4. The Andaman And Nicobar Islands Gram Panchayats (Amendment) Regulation, 1964
- 5. The Andaman And Nicobar Islands Home Guards Regulation, 1964
- 6. The Industrial Disputes (Andaman and Nicobar Islands Amendment) Regulation, 1964
- 7. The Andaman And Nicobar Islands Rent Control Regulation, 1964
- 8. The Laccadive, Minicoy And Amindivi Islands (Debt Conciliation And Grant Of Loans) Regulation, 1964
- 9. The Laccadive, Minicoy And Amindivi Islands (Protection Of Scheduled Tribes) Regulation, 1964
- 10. The Dadra And Nagar Haveli (Delegation Of Powers) Regulation, 1964

- 1. The Andaman And Nicobar Islands Gram Panchayats (Amendment) Regulation, 1965
- 2. The Dadra And Nagar Haveli (Laws) Amendment Regulation, 1965
- 3. The Dadra And Nagar Haveli Village Panchayats Regulation, 1965
- 4. The North-East Frontier Agency (Construction of References to State Government) Regulation, 1965
- 5. The Payment Of Wages (The Andaman And Nicobar Islands Amendment) Regulation, 1965
- 6. The Laccadive, Minicoy And Amindivi Islands Lands Revenue And Tenancy Regulation, 1965
- 7. The North-East Frontier Agency (Administration) Regulation, 1965

- 8. The Laccadive, Minicoy And Amindivi Islands (Laws) Regulation, 1965
- 9. The Laccadive, Minicoy And Amindivi Islands (Civil Courts)
 Regulation, 1965

1966

- 1. The Andaman And Nicobar Islands (Regulation of Traffic and Preservation of Order In Public Places) Regulation, 1966
- 2. The Andaman And Nicobar Islands Lands Revenue And Land Reforms Regulation, 1966

1967

- 1. The Andaman And Nicobar Islands Prohibition Of Cow Slaughter Regulation, 1967
- 2. The Andaman And Nicobar Islands Lands Civil Courts (Amendment) Regulation, 1967
- 3. The North-East Frontier Agency Panchayat Raj Regulation, 1967
- 4. The Andaman and Nicobar Islands (Amendment) Regulation, 1967

- 1. The Andaman and Nicobar Islands Gram Panchayat (Amendment) Regulation, 1976
- 2. The North-East Frontier Agency Public Employment) Requirement as To Residence) Regulation, 1968
- 3. The Andaman And Nicobar Islands (Municipal Boards) Amendment Regulation, 1968



EXTRAORDINARY

PART II-Section 1

PUBLISHED BY AUTHORITY

No. 2] NEW DELHI, WEDNESDAY, JANUARY 13, 1960/PAUSA 23, 1881

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 13th January, 1960/Pausa 23, 1881 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL BOARDS) AMENDMENT REGULATION, 1960

No. 1 of 1960

Promulgated by the President in the Tenth Year of the Republic of India.

A Regulation to amend the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Andaman and Nicobar Islands (Municipal Boards) Amendment Regulation, 1960.

Short title and commencement.

- (2) It shall come into force at once.
- 2. In section 60 of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957, in sub-section (2), for the words "Government Treasury", the words "State Bank of India or, with the previous

Amendment of section 60.

n of the Chief Commissioner, in any scheduled bank as defined ne Reserve Bank of India Act, 1934" shall be substituted.

RAJENDRA PRASAD,

President

G. R. RAJAGOPAUL, Secy.

ERRATUM

In the Gazette of India Extraordinary, Part II, Section 1, dated the 28th September, 1959, at the end of page 524, add—

"G. R. RAJAGOPAUL, Secy."

The Gazette



of *Endia*

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 10] NEW DELHI, MONDAY, APRIL 4, 1960/CHAITRA 15, 1882

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 4th April, 1960/Caitra 15, 1882 (Saka)

THE ARMED FORCES (SPECIAL POWERS)
CONTINUANCE REGULATION, 1960

No. 2 OF 1960

Promulgated by the President in the Eleventh Year of the Republic of India.

A Regulation to continue the Armed Forces (Special Powers) Regulation, 1958, for a further period.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Armed Forces Short (Special Powers) Continuance Regulation, 1960.

title and commencement.

(2) It shall come into force at once.

2. In sub-section (4) of section 1 of the Armed Forces Amenda of 1958. (Special Powers) Regulation, 1958, for the words "for a ment of period of two years", the words "for a period of three years" shall be substituted.

RAJENDRA PRASAD.

President.

G. R. RAJAGOPAUL, Secy.

(235)

The Gazette



of India

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 18] NEW_DELHI, MONDAY, JUNE 13, 1960/JAISTHA 23, 1882

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 13th June, 1960/Jaistha 23, 1882 (Saka)

THE NORTH EAST FRONTIER AGENCY (EXTENSION OF LAWS) REGULATION, 1960

No. 3 of 1960

Promulgated by the President in the Eleventh Year of the Republic of India.

A Regulation to provide for the extension of the Cattletrespass Act, 1871, the Land Acquisition Act, 1894, the Prisons Act, 1894, and the Prisoners Act, 1900, to the North East Frontier Agency.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- 1. (1) This Regulation may be called the North East Frontier Short title Agency (Extension of Laws) Regulation, 1960.

 Carrier Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. In this Regulation—

Definitions.

(a) "Division" means any of the Frontier Divisions referred to in section 2 of the North East Frontier Areas (Administration) Regulation, 1954;

1 of 1954.

(b) "North East Frontier Agency" means the North East Frontier Agency referred to in the said Regulation.

Extension of Acts I of 1871, I and 9 of 1994 and Frontier Agency,

3. The enactments specified in the Schedule, as in force in the territories to which they generally extend, are hereby extended to, and shall be in force in, the North East Frontier Agency, subject to 3 of 1900, to North East the modifications mentioned in that Schedule.

Repeals.

4. On the commencement of this Regulation, notifications Nos. 5459P, 5463P and 5467P, dated the 13th October, 1914, in so far as they relate to the enactments specified in the Schedule, shall cease to have effect in the North East Frontier Agency.

THE SCHEDULE

		(See section	3)
Year	No.	Short title	Modifications
1871	1	The Cattle-trespass Act, 1871.	(a) References in the Act to the Magistrate of the District and in section 6 to the State Government shall be construed as references to the Political Officer, or the Additional Political Officer, of any Division.
			(b) In section 17, the reference to the revenues of the State shall be construed as a reference to the revenues of the Government.
1894	. 1	The Land Acquisition Act, 1894.	 (a) References to the Collector shall be construed as references to the Political Officer, or the Additional Political Officer, of any Division. (b) References to the Code of Civil Procedure or the Code of Civil Procedure, 1908, shall, unless

5 of 1908.

the context otherwise requires, be construed references to the corresponding law in force in the North East Frontier Agency.

(c) References to the Indian Post Office Act, shall be construed as re-

1866, 14 of 1866.

6 of 1898.	Year	Nọ.	Short title	Modifications ferences to the Indian Post Office Act, 1898.		
10 of 1882.	1894	9	The Prisons Act, 1894.	(a) References to the Code of Criminal Procedure, 1882, shall, unless the context otherwise requires, be construed as references to the corresponding law in force in the North East Frontier Agency.		
5 of 1871 3 of 1900.				(b) Reference to the Prisoners Act, 1871, shall be construed as a reference to the Prisoners Act, 1900.		
				(c) References to the District Magistrate shall be cons- trued as references to the Political Officer, or the Ad- ditional Political Officer, of any Division.		
5 of 1898.	1900	3	The Prisoners Act, 1900.	(a) References to the Code of Civil Procedure or the Code of Criminal Procedure, 1898, shall, unless the context otherwise requires, be construed as references to the corresponding law in force in the North East Frontier Agency.		
36 of 1858, 4 of 1912,				(b) Reference to the Lunatic Asylum Act, 1858, shall be construed as a reference to the Indian Lunacy Act, 1912.		
						

RAJENDRA PRASAD,

President.

G. R. RAJAGOPAUL,

Secretary.

CORRIGENDUM

In the Gazette of India Extraordinary, Part II, Section 1, dated the 29th April, 1960, in page 334, for line 6, read—

"naye paise per stator", "Two rupees and sixty-five naye paise per".

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1960.

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The Gazette



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EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 37] NEW DELHI, THURSDAY, NOVEMBER 10, 1960/KARTIKA 19, 1882

MINISTRY OF LAW

(Legislative Department)

New Dehli, the 10th November, 1960/Kartika 19, 1882 (Saka)
THE ANDAMAN AND NICOBAR ISLANDS LIVE-STOCK
IMPROVEMENT (AMENDMENT) REGULATION, 1960

No. 4 of 1960

Promulgated by the President in the Eleventh Year of the Republic of India.

A Regulation to amend the Andaman and Nicobar Islands Live-stock Improvement Regulation, 1955.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Andaman and Nicobar Short title and commensus Islands Live-stock Improvement (Amendment) Regulation, 1960.

(2) It shall come into force at once.

2. In the Andaman and Nicobar Islands Live-stock Improvement Amendment of Regulation Regulation, 1955,—

Solution 1955.—

Amendment of Regulation 5 of 1955.

(i) clause (g) of section 2 shall be omitted; and

(ii) for the words "specified age" wherever they occur, the words "prescribed age" shall be substituted.

RAJENDRA PRASAD.

President.

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS CO-OPERATIVE SOCIETIES REGULATION, 1960

No. 5 of 1960

Promulgated by the President in the Eleventh Year of the Republic of India.

A Regulation to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among agriculturists and other persons, in the Laccadive, Minicoy and Amindivi Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

- 1. (1) This Regulation may be called the Laccadive, Minicoy and Amindivi Islands Co-operative Societies Regulation, 1960.
- (2) It extends to the whole of the Laccadive, Minicoy and Amindivi Islands.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

- 2. In this Regulation, unless the context otherwise requires,—
 - (a) "Administrator' means the Administrator of the Islands;
 - (b) "by-laws" means the registered by-laws for the time being in force and includes a registered amendment of the bylaws;
 - (c) "committee" means the governing body of a registered society, by whatever name called, to which the management of its affairs is entrusted;
 - (d) "financing bank" means a registered society the main object of which is to lend money to other registered societies;
 - (e) "Islands" means the Union territory of Laccadive, Minicoy and Amindivi Islands;
 - (f) "member" includes a person joining in the application for the registration of a society and a person admitted to mem-

bership after registration in accordance with the by-laws and rules;

- (g) "officer" includes a president, vice-president, chairman, vice-chairman, secretary, assistant secretary, treasurer, member of a committee and any other person, empowered under the rules or by-laws to give directions in regard to the business of the society;
- (h) "registered society" means a society registered under this Regulation;
- (i) "registered society with limited liability" means a registered society in which the liability of its members, for the debts of the society in the event of its being wound up, is limited by its by-laws—
 - (i) to the amount, if any, unpaid on the shares respectively held by them; or
 - (ii) to such amount as they may, respectively, undertake to contribute to the assets of the society;
- (j) "registered society with unlimited liability" means a registered society, the members of which are, in the event of its being wound up, jointly and severally liable for and in respect of all its obligations and to contribute to any deficit in the assets of the society;
- (k) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Regulation and includes a person on whom all or any of the powers of the Registrar under this Regulation have been conferred under section 3;
 - (l) "rules" means rules made under this Regulation.

CHAPTER II

REGISTRATION

- 3. The Administrator may appoint a person to be the Registrar The Registrar The Co-operative Societies for the Islands and may, by general or special order, confer on any other person all or any of the powers of the Registrar under this Regulation.
- 4. Subject to the provisions of this Regulation, a society which share its object the promotion of the economic interests of its members be registin accordance with co-operative principles, or a society established tered. with the object of facilitating the operations of such a society, may be registered under this Regulation with or without limited liability:

Provided that the liability of a society of which a registered society is a member shall be limited.

Change of liability.

5. Without prejudice to the provisions contained in section 4, a registered society may change its liability from limited to unlimited or from unlimited to limited in the manner and subject to such restrictions as may be prescribed by rules.

Restrictions on interests of member of society with limited liability and a share capital.

- 6. Where the liability of the members of a registered society is limited by shares, no member other than a registered society, or the State Government shall—
 - (a) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by rules; or
 - (b) have or claim any interest in the shares of the society, exceeding one thousand rupees.

Conditions of registration.

- 7. (1) No society, other than a society of which a member is a registered society, shall be registered under this Regulation which does not consist of at least ten persons who have attained the age of majority within the meaning of section 3 of the Indian Majority Act, 1875, and, where the object of the society is the creation of funds to 9 of 1875-be lent to its members, unless such persons—
 - (a) reside within the Islands;
 - (b) save where the Registrar otherwise directs, are members of the same tribe, class, or occupation.
- (2) The word "limited" shall be the last word in the name of every society with limited liability registered under this Regulation.

Application for registration.

- 8. (1) For purposes of registration an application to register shall be made to the Registrar.
 - (2) The application shall be signed--
 - (a) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of sub-section (1) of section 7; and
 - (b) in the case of a society of which a member is a registered society, by a duly authorised person on behalf of every such registered society, and, where all the members of the society are not registered societies, by ten other members or, when there are less than ten other members, by all of them.
- (3) The application shall be accompanied by a copy of the proposed by-laws of the society, and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

Registration.

9. (1) If the Registrar is satisfied that a society has complied with the provisions of this Regulation and the rules and that its proposed by-laws are not contrary to this Regulation or to the rules, he may register the society and its by-laws.

(2) In case of refusal, an appeal shall lie to the Administrator within two months from the date of receipt of the order of refusal:

Provided that in computing such period all or any of the months of June, July, August and September shall be excluded.

- 10. A certificate of registration signed by the Registrar shall be Evidence of conclusive evidence that the society therein mentioned is duly regis- registration. tered unless it is proved that the registration of the society has been cancelled.
- 11. (1) No amendment of the by-laws of a registered society shall Amendment of by-laws of be valid until the same has been registered under this Regulation, registered for which purpose a copy of the amendment shall be forwarded to society. the Registrar.
- (2) (a) If the Registrar is satisfied that any amendment of the by-laws is not contrary to this Regulation or to the rules, he may register the amendment.
- (b) In case of refusal, an appeal shall lie to the Administrator within two months from the date of receipt of the order of refusal:

Provided that in computing such period all or any of the months of June, July, August and September shall be excluded.

(3) When the Registrar registers an amendment of the by-laws of a registered society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

CHAPTER III

RIGHTS AND LIABILITIES OF MEMBERS

12. (1) No member of a registered society shall, save as otherwise Member not provided in sub-section (2), exercise the rights of a member unless to exercise rights till or until he has made such payment to the society in respect of mem-due paybership or acquired such interest in the society as may be prescribed ment made. by the rules and by-laws.

(2) The persons who have signed the application to register the society may elect a committee to conduct the affairs of the society for a period of three months from the date of registration or for such further period as the Registrar may consider desirable:

Provided that the committee shall cease to function as soon as the members of the society have elected a committee in accordance with its by-laws.

13. (1) The committee may at any time call a general meeting of General the society and shall call such a meeting within one month after meetings. receipt of a requisition in writing from the Registrar or from a financing bank to which the society is indebted or from such number of members or proportion of the total number of members as may be specified in the by-laws of the society.

(2) If a general meeting is not called in accordance with such requisition, the Registrar shall have power to call a general meeting of the society himself.

Votes of members.

- 14. (1) No member of any registered society shall have more than one vote in the affairs of the society; provided that in the case of an equality of votes the Chairman shall have a casting vote.
- (2) A registered society which has invested any part of its funds in the shares of another registered society may appoint any of its members not disqualified for such appointment junder any rules prescribed in that behalf to vote in the affairs of such other registered society.

Transfer of share or interest. 15. Subject to the provisions of section 6 and to such conditions as may be prescribed by rules, a member of a registered society may transfer his share or interest in the capital of that society.

CHAPTER IV

PRIVILEGES OF REGISTERED SOCIETIES

Societies to be bodies corporate.

16. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes for which it was constituted.

Prior claim of society.

- 17. (1) Subject to the prior claim, if any, of the Government in respect of land revenue or any money recoverable as land revenue, any debt or outstanding demand due to a registered society from any member or past member or the estate of a deceased member shall be a first charge—
 - (i) upon the crops or other agricultural produce of such member for the raising of which the loan was taken from the society by such member, and
 - (ii) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture, supplied or purchased in whole or in part out of the loan of money given by the society, or on any articles manufactured from raw materials so supplied or purchased or on any workshop, godown or place of business, constructed or purchased out of any such loan.

- (2) No property or interest in property which is subject to a charge in favour of a registered society under sub-section (1) shall be sold or otherwise transferred or converted in any manner without the previous written permission of the society.
- (3) A member or a past member or the nominee, heir or legal representative of a deceased member of a registered society, shall, if so required by the society, deposit with or entrust to the custody of the society, such property as is subject to a charge under subsection (1) at such place and in such manner as may be prescribed by the by-laws until the debt or outstanding demand due to the society is fully paid and shall also pay towards all expenses incidental to the removal, transport or maintenance of the property so deposited or entrusted to custody, and the charges connected with the removal, transport or maintenance of such property shall be recovered from the member or the past member or the estate of the deceased member, as the case may be, in accordance with such scale as may be so prescribed.
- (4) Notwithstanding anything contained in any law, any transaction made in contravention of sub-section (2) shall be void.
- (5) The charge created by sub-section (1) in favour of a registered society shall be available as against any claim of the Government arising from a loan granted by it after the grant of the loan by the society.
- 18. A registered society shall have a charge upon the share or Charge and interest in the capital and on the deposits of a member or past or set-off in deceased member and upon any dividend, bonus or profits payable shares or to a member or past member or the estate of a deceased member in interest of member. respect of any debt due from such member or past member or the estate of such deceased member to the society, and may set off any sum credited or payable to a member or past or deceased member or the estate of a deceased member in or towards payment of any such debt.

19. Subject to the provisions of section 18, the share or interest Shares or of a member in the capital of a registered society shall not be liable interest not to attachment or sale under any decree or order of a Court in respect liable to attachment, of any debt or liability incurred by such member, and neither the Official Assignee under the Presidency Towns Insolvency Act, 1909, nor a Receiver under the Provincial Insolvency Act, 1920, shall be entitled to or have any claim on such share or interest,

20. (1) Subject to the provisions of section 18, a registered society Transfer of may, on the death of a member, transfer his share or interest in the interest on death of capital to the person nominated in accordance with the rules made in member. this behalf, or, if there is no person so nominated, to such person

3 of 1909. 5 of 1920.

as may appear to the committee to be the heir or legal representative of the deceased member, or pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest, as ascertained in accordance with the rules or by-laws:

Provided that—

- (a) in the case of a registered society with unlimited liability, such nominee, heir or legal representative, as the case may be, may require payment by the society of the value of the share or interest of the deceased member ascertained as aforesaid; and
- (b) in the case of a registered society with limited liability, the society shall transfer the share or interest of the deceased member to such nominee, heir or legal representative, as the case may be, being qualified in accordance with the rules and by-laws for membership of the society, or on his application within one month of the death of the deceased member to any person specified in the application who is so qualified.
- (2) Subject as aforesaid, a registered society may pay all other moneys due to the deceased member from the society to such nominee, heir or legal representative, as the case may be.
- (3) All transfers and payments made by a registered society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

Liability of estate of a deceased member.

21. The liability of a past member or of the estate of a deceased past member for the debts of a registered society as they existed on the date of his ceasing to be a member or of his decease, as the case may be, shall continue for a period of two years from such date.

Register of members.

- 22. Any register or list of members or shares kept by any registered society shall be prima facie evidence of any of the following particulars entered therein: -
 - (a) the date on which the name of any person was entered in such register or list as a member; and
 - (b) the date on which any such person ceased to be a member.

Proof of entries in books of societies.

23. (1) A copy of any entry in a book of a registered society regularly kept in the course of business shall, if certified in such manner as may be prescribed by the rules, be received in any suit or legal proceedings as prima facie evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is admissible.

- (2) No officer or liquidator of a registered society and no officer in whose office the books of a registered society are deposited after liquidation shall, in any legal proceedings to which the society or the liquidator is not a party, be compelled to produce any of the books of the society the contents of which can be proved under subsection (1), or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the court or the arbitrator made for special cause.
- 24. (1) Notwithstanding anything contained in any law to the Deduction contrary for the time being in force, a member of a registered society or wages. may execute an agreement in favour of that society providing that his employer or the officer disbursing his salary or wages shall be competent to deduct every month from the salary or wages payable to him, such amount or instalments of amount as may be specified in such agreement and to pay the amount so deducted to the society in satisfaction of any debt or other demand owing by the member to the society.
- (2) (a) On the execution of such agreement, the employer or the officer disbursing the salary or wages of the member, shall, if so required by the society by a requisition in writing and so long as such debt or demand or any part of it remains unpaid, make the deduction in accordance with the agreement and pay the amount so deducted to the society.
- (b) The employer or the officer disbursing the salary or wages shall maintain such registers as may be prescribed by the Administrator or the Registrar from time to time.
- 25. Notwithstanding anything contained in any law to the contrary Govern-V for the time being in force, the Central Government may, subject to registered such general or special orders in writing as it may make in this societies. behalf, grant loans to, take shares in, or give financial assistance in any other form to any registered society.

CHAPTER V

PROPERTY AND FUNDS OF REGISTERED SOCIETIES

26. (1) A registered society shall not make a loan to any person Loans. other than a member:

Provided that, with the general or special sanction of the Registrar, a registered society may make loans to another registered society.

(2) Save with the sanction of the Registrar, a registered society shall not lend money on the security of movable property other thar agricultural produce.

712 G. of I. Ex.—2.

- (3) Notwithstanding anything contained in sub-sections (1) and (2), a registered society may make a loan to a depositor on the security of his deposit.
- (4) The Administrator may, by general or special order, prohibit or restrict the lending of money on mortgage of immovable property to any registered society or class of registered societies.

Restrictions on receipt q of deposits and loans.

27. A registered society shall receive deposits and leans only to such extent and under such conditions as may be prescribed by the rules or by-laws of the society.

Investment of funds.

28. A registered society may invest or deposit its funds in such manner as may be specified in this behalf by rules.

Funds not to be divimembers.

29. No part of the funds of a registered society shall be divided ded among) by way of bonus or dividend or otherwise among its members:

> Provided that payment may be made to a member for the work done by him as Secretary or as clerk on such scale as may be prescribed by the by-laws:

> Provided also that after at least one-fourth of the net profits in any year has been carried to a reserve fund, payments from the remainder of such profits and from any profits of past years available for distribution may be made—

- (a) as a bonus to a member for any specific service rendered by him to the society including work done as Secretary or as clerk: and
- (b) among the members to such extent and under such conditions as may be prescribed by the rules or by-laws.

Contribution to charitable purposes.

30. Any registered society may, after one-fourth of the net profits in any year has been carried to a reserve fund, contribute an amount not exceeding ten per cent. of the remaining net profits to such poor fund as may be constituted by the Administrator.

Audit.

- 31. (1) The Registrar shall audit or cause to be audited by some person authorised by him by general or special order in writing in this behalf the accounts of every registered society once at least in every year.
- (2) The audit under sub-section (1) shall include an examination of overdue debts, if any, the verification of the cash balance and securities and a valuation of the assets and liabilities of the society.
- (3) The Registrar or the person authorised by him under subsection (1) shall, at all reasonable times, have free access to the books. accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in

possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof.

(4) Every officer or member of the society shall furnish such information in regard to the transactions and working of the society as the Registrar or the person authorised by him under sub-section (1) may require.

CHAPTER VI

INQUIRY AND INSPECTION

- 32. (1) The Registrar may, of his own motion, and shall on the Inquiry by request of the Administrator, or on the application of a majority of the committee or of not less than one-third of the members, hold an inquiry, or direct some person authorised by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a registered society.
- (2) The Registrar or the person authorised by him under subsection (1) shall have the following powers, namely:—
 - (a) he shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof;
 - (b) he may summon any person who, he has reason to believe, has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath;
 - (c) he may, notwithstanding any rule or by-law prescribing the period of notice for a general meeting of the society, require the officers of the society to call a general meeting at such time and place at the headquarters of the society or any branch thereof and to determine such matters as may be directed by him; and if the officers of the society refuse or fail to call such a meeting, he shall have power to call it himself; and any meeting called under this clause shall have all the powers of a general meeting called under the by-laws of the society and its proceedings shall be regulated by such by-laws.
- (3) When an inquiry is made under this section, the Registrar shall communicate the result of the inquiry to the financing bank, if any, to which the society is indebted.

Inspection of books by financing bank.

- 33. (1) A financing bank shall have the right to inspect the books of any registered society which is indebted to it; and the inspection may be made either by an officer of that bank or by a member of its paid staff certified by the Registrar as competent to undertake such inspection.
- (2) The officer or member so inspecting shall at all reasonable times have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may also call for such information, statements and returns as may be necessary to ascertain the financial condition of the society and the safety of the sums lent to it by the financing bank.

CHAPTER VII

SUPERSESSION OF COMMITTEE OF SOCIETY

Supersession of committee.

- 34. (1) (a) If, in the opinion of the Registrar, the committee of any registered society is not functioning properly, he may, after giving an opportunity to the committee to state its objections, if any, by order in writing, dissolve the committee and appoint a suitable person or persons to manage the affairs of the society for a specified period not exceeding two years.
- (b) The period specified in such order may, at the discretion of the Registrar, be extended from time to time; provided that such order shall not remain in force for more than four years in the aggregate.
- (2) The person or persons so appointed shall, subject to the control of the Registrar and to such instructions as he may from time to time give, have power to exercise all or any of the functions of the committee or of any officer of the society, and to take all such action as may be required in the interests of the society.
- (3) The Registrar may fix the remuneration payable to the person or persons so appointed; and the amount of such remuneration and other costs, if any, incurred in the management of the society, shall be payable from its funds.
- (4) The person or persons so appointed shall, at the expiry of the period of his or their appointment, take steps for the constitution of a new committee in accordance with the by-laws of the society.
- (5) Before taking any action under sub-section (1) in respect of a financing bank or in respect of a society indebted to a financing bank, the Registrar shall consult in the fermer case such bank whether in or outside the Islands as may be specified in this behalf by the Administrator, and in the latter case the financing bank concerned, regarding such action.

(6) Nothing in this section shall be deemed to affect the power of the Registrar to cancel the registration of the society under section 35.

CHAPTER VIII

DISSOLUTION OF SOCIETY

- 35. (1) (a) If the Registrar, after an inquiry has been held under Dissolusection 32 or after an inspection has been made under section 33 or on receipt of an application made by three-fourths of the members of a registered society, is of opinion that the society ought to be dissolved, he may, by order in writing, cancel the registration of the society.
- (b) A copy of the order shall forthwith be communicated to the society.
- (2) Any member of the society may, within two months from the date of the order made under sub-section (1), appeal to the Administrator against such order:

Provided that in computing such period, all or any of the months of June, July, August and September shall be excluded.

- (3) Where an appeal against an order cancelling the registration of the society is not presented within the time referred to in subsection (2), the order shall take effect on the expiry of that time.
- (4) Where such appeal is presented within the time referred to in sub-section (2), the order shall not take effect until it is confirmed by the Administrator and such confirmation is communicated to the society.
- **36.** (1) Where the registration of a society is cancelled under Winding up. section 35, the Registrar may appoint any person to be liquidator of the society.
- (2) Subject to any rules that may be made under this Regulation, the whole of the assets of the society shall, on the appointment of a liquidator under sub-section (1), vest in such liquidator and he shall have power to realise such assets by sale or otherwise.
- (3) Such liquidator shall also have power, subject to the control of the Registrar,—
 - (a) to institute and defend suits and other legal proceedings on behalf of the society by his name of office;
 - (b) to determine from time to time the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officers or former officers, to the

assets of the society, such contribution including debts due from such members or persons;

- (c) to investigate all claims against the society and subject to the provisions of this Regulation to decide questions of priority arising between claimants;
- (d) to pay claims against the society (including interest up to the date of cancellation of registration) according to their respective priorities, if any, in full or rateably, as the assets of the society permit; the surplus, if any, remaining after payment of the claims being applied in payment of interest from the date of such cancellation at a rate fixed by him but not exceeding the contract rate in any case:
- (e) to determine by what persons and in what proportions the costs of the liquidation are to be borne;
- (f) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society; and
- (g) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same.
- (4) A liquidator appointed under this section shall, in so far as such powers are necessary for carrying out the purposes of this section, have power to summon and enforce the attendance of witnesses and to compel the production of any books, accounts, documents, securities, cash or other properties belonging to or in the custody of the society by such means and in such manner as may be prescribed by rules made in this behalf.
- (5) When the affairs of the society have been wound up, the liquidator shall deposit the records of the society in such place as the Registrar may direct.
- (6) Any person aggrieved by any order of the liquidator may appeal to the Registrar against such order within two months from the date of the issue of the order:

Provided that in computing such period, all or any of the months of June, July, August and September shall be excluded.

CHAPTER IX

SURCHARGE

Surcharge.

37. (1) Where in the course of an audit under section 31 or an inquiry under section 32 or the winding up of a society, it appears that any person who has taken part in the organisation or management of the society or any past or present officer of the society has misappropriated or fraudulently retained any money or other property

or been guilty of breach of trust in relation to the society, the Registrar may, of his own motion or on the application of the committee or liquidator or of any creditor or contributory, examine into the conduct of such person or officer and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in respect of the misappropriation, fraudulent retainer or breach of trust as the Registrar thinks just.

(2) The order of the Registrar under sub-section (1) shall be final unless it is set aside by the Administrator on application made by the party aggrieved within three months of the date of receipt of the order by him:

Provided that in computing such period, all or any of the months of June. July. August and September shall be excluded.

(3) This section shall apply notwithstanding that such person or officer may have incurred criminal liability by his act.

CHAPTER X

ARBITRATION

- 38. (1) If any dispute touching the business of a registered Disputes. society (other than a dispute regarding disciplinary action taken by the society or its committee against a paid servant of the society) arises-
 - (a) among members, past members and persons claiming through members, past members and deceased members, or
 - (b) between a member, past member or person claiming through a member, past member or deceased member and the society, its committee or any officer, agent or servant of the society, or
 - (c) between the society or its committee and any past committee. any officer, agent or servant, or any past officer, past agent or past servant, or the nominee, heirs or legal representatives of any deceased officer, deceased agent or deceased servant, of the society, or
- (d) between the society and any other registered society, such dispute shall be referred to the Registrar for decision.

Explanation.—A claim by a registered society for any debt or demand due to it from a member, past member or the nominee, heir or legal representative of a deceased member, whether such debt or demand be admitted or not, is a dispute touching the business of the society within the meaning of this sub-section.

- (2) The Registrar may, on receipt of such reference,—
 - (a) decide the dispute himself, or
- (b) transfer it for disposal to any person who has been invested by the Administrator with powers in that behalf, or
- (c) subject to such rules as may be prescribed, refer it for disposal to an arbitrator or arbitrators.
- (3) Subject to such rules as may be prescribed, the Registrar may withdraw any reference transferred under clause (b) of sub-section (2) or referred under clause (c) of that sub-section and decide it himself.
- (4) The Registrar may, of his own motion or on the application of a party to a reference, revise any decision thereon by the person to whom such reference was transferred or by the arbitrator or abitrators to whom it was referred:

Provided that no order prejudicial to any person shall be made under this sub-section unless that person has been given a reasonable opportunity of being heard.

- (5) (a) Any decision of the Registrar under clause (a) of sub-section (2) or under sub-section (4) shall be final and shall not be called in question in any civil or revenue court.
- (b) Any decision that may be made by the person to whom a reference is transferred or by the arbitrator or arbitrators to whom it is referred shall, save as otherwise provided in sub-section (4). be final and shall not be called in question in any civil or revenue court.

CHAPTER XI

EXECUTION OF AWARDS, DECREES, ORDERS AND DECISIONS

Enforcement of charge. 39. (1) Notwithstanding anything contained in this Regulation or in any law and without prejudice to any other mode of recovery which is being taken or may be taken, the Registrar or any other person subordinate to him empowered by the Registrar in this behalf may, subject to such rules as may be prescribed and on application from a registered society for the purpose, make an order directing the payment of any debt or outstanding demand due to the society by any member, or past or deceased member, by sale of the property or any interest in the property which is subject to a charge under sub-section (1) of section 17:

Provided that no such sale shall be ordered under this section unless the member or past member or the nominee, heir or legal representative of the deceased member has been served with a notice of the application to sell and has failed to pay the outstanding demand within seven days from the date of such netice.

- (2) Every order for sale made under sub-section (1) shall be deemed to be a decree of a civil court and shall be executed in the same manner as a decree of such court.
- 40. Every order made by the Administrator or Registrar under Execution section 37 or every decision or award made under section 38, or every etc. order made by the liquidator or Registrar under section 36 or every order made under section 50, shall, if not carried out, be executed and enforced in such manner as may be prescribed by rules.
- 41. If the Registrar is satisfied on an application, report or enquiry Attachment that any person with intent to delay or obstruct the enforcement of before award any order, decision or award that may be made against him under or order. the provisions of this Regulation-
 - (a) is about to dispose of the whole or any part of the property; or
 - (b) is about to remove the whole or any part of the property from the jurisdiction of the Registrar, the arbitrator or liquidator, as the case may be,

he may, unless adequate security is furnished, direct the attachment of the said property; and such attachment shall have the same effect as if made by a competent civil court.

42. (1) All sums due from a registered society or from an officer, Recovery of former officer, member or past or deceased member of a registered to Governsociety as such to the Government including any costs awarded to ment. the Government in any proceeding under this Regulation may be recovered in such manner as may be prescribed by rules.

(2) Sums due from a registered society to the Government and recoverable under sub-section (1) may be recovered, firstly, from the property of the society; secondly, in the case of a society the liability of the members of which is limited, from the members, past members, or the estate of the deceased members subject to the limit of liability, and thirdly, in the case of other societies from the members, past members or the estate of the deceased members:

Provided that the liability of past members and of the estates of the deceased members shall in all cases be subject to the provisions of section 21.

CHAPTER XII

OFFENCES AND PENALTIES

43. It shall be an offence under this Regulation, if-

Offences.

(a) a registered society or an officer or member thereof wilfully makes a false return or furnishes false information; or

(b) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Regulation or does not furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Regulation.

Punishment for disposing of property in contravention of sec tion 17. 44. Any person who acts in contravention of sub-section (2) of section 17 or fails to deposit or entrust to custody when required to do so by any registered society under sub-section (3) of that section shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees.

Prohibition of the use of the word "co-operative".

- 45. (1) No person other than a registered society shall trade or carry on business under any name or title of which the word "cooperative" is part without the sanction of the Administrator.
- (2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees, and in the case of a continuing offence with further fine of five rupees for each day on which the offence is continued after conviction therefor.

Punishment for offences not otherwise provided for. 46. Any registered society or any officer or member thereof or any other person guilty of an offence under this Regulation for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees.

Cognizance of offences

- 47. (1) The Administrator shall by order specify the courts by which offences under this Regulation shall be tried ir the Laccadive and Minicoy Islands and in the Amindivi Islands.
- (2) No prosecution shall be instituted under this Regulation without the previous sanction of the Registrar, and such sanction shall not be given without giving the party concerned an opportunity of being heard.

CHAPTER XIII

MISCELLANEOUS

Address of societies.

48. Every registered society shall have an address, registered in accordance with the rules, to which all notices and communications may be sent, and shall send to the Registrar notice of every change thereof.

Bar of suit in certain cases. 49. Save in so far as is expressly provided in this Regulation, no civil court shall take cognizance of any matter connected with the winding up or dissolution of a registered society under this

Regulation, and when a liquidator has been appointed, no suit or other legal proceeding shall lie or be proceeded with against the society except by leave of the Registrar and subject to such terms as he may impose.

50. (1) The Administrator or the Registrar may call for and Power of examine the record of any enquiry or the proceedings of any officer trator and; subordinate to him for the purpose of satisfying himself as to the Registrar tog legality or propriety of any decision or order passed and as to the proceedings regularity of the proceedings of such officer.

and to pass orders thereon.

(2) If in any case it appears to the Administrator or the Registrar that any decision or order or proceedings so called for should be modified, annulled, or reversed, the Administrator or the Registrar, as the case may be, may pass such order thereon as to him may seem fit:

Provided that no order prejudicial to any person shall be made under this section unless that person has been given a reasonable opportunity of being heard.

51. The Central Government may, by notification in the Official exempt from Gazette, in the case of any class of registered societies remit-

stamp duty and registra-

- (a) the stamp duty with which, under any law for the tion fees. time being in force, instruments executed by or on behalf of a registered society or by an officer or member and relating to the business of such society or any class of such instruments or decisions, awards or orders of the Registrar or arbitrators under this Regulation are respectively chargeable; and
- (b) any fee payable under the law of registration for the time being in force.
- 52. Notwithstanding anything contained in this Regulation, the exempt so-Administrator may, by special order in each case and subject to cieties from such conditions, if any, as he may impose, exempt any society from as to reany of the requirements of this Regulation as to registration.

53. The Administrator may, by general or special order, exempt Power to any class of registered societies from any of the provisions of this registered Regulation or may direct that such provisions shall apply to such societies class of societies with such modifications as may be specified in the visions order.

of Regulation.

not to apply.

54. The provisions of the Companies Act, 1956 shall not apply Companies to registered societies.

I of 1956.

Acts of invalidated by certain defects.

55. No act of a registered society or any committee or of any societies, etc., officer of the society, shall be deemed to be invalid by reason only of some defect in the organisation of the society or in the formation of the general body or in the appointment or election of the officer or on the ground that he was disqualified for his office.

Power to make rules.

- 56. (1) The Administrator may, by notification in the Official Gazette and subject to the condition of previous publication, make rules to carry out all or any of the purposes of this Regulation.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may-
 - (a) regulate the manner in which a registered society may change its liability from limited to unlimited or from unlimited to limited and the restrictions that may be imposed on such change:
 - (b) subject to the provisions of section 6, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;
 - (c) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications;
 - (d) provide for the matters in respect of which a society may or shall make by-laws and for the procedure to be followed in making, altering and abrogating by-laws, and the conditions to be satisfied prior to such making, alteration or abrogation:
 - (e) prescribe the conditions to be complied with by persons applying for admission or admitted as members, and provide for the election and admission of members, and the payment to be made and the interests to be acquired before the exercise of the right of membership:
 - (f) prescribe the conditions subject to which a member of a registered society may transfer his share or interest in the capital of that society;
 - (g) regulate the manner in which funds may be raised by means of shares or debentures or otherwise:
 - (h) provide for general meetings of the members and the procedure at such meetings and the powers to be exercised at such meetings:
 - (i) prescribe in the case of a financing bank—
 - (a) the proportion of individual members to society members in the constitution of its general body or of its committee; and
 - (b) the maximum number of members of its committee;

- (j) provide for the appointment, suspension and removal of the members of the committee and other officers and for the procedure at meetings of the committee and the powers to be exercised and the duties to be performed by the committee and other officers;
- (k) prohibit a registered society from appointing a defaulting member of any registered society to its committee or to the committee of any other society and allowing him to exercise his rights of membership in the society or to represent it in another society and vote;
- (1) prescribe the accounts and books to be kept by a registered society, the audit of such accounts, the charges, if any, to be made for such audit, and the periodical publication of a balance sheet showing the assets and liabilities of such society;
- (m) prescribe the returns to be submitted by a registered society to the Registrar and the persons by whom and the form in which such returns shall be submitted and in case of failure to submit any such return, the levy of the expenses of preparing it;
- (n) provide for the persons by whom, and the form in which, copies of entries in books of registered societies may be certified and the charges to be levied for the supply of such copies;
- (o) provide for the formation and maintenance of a register of members and, where the liability of the members is limited by shares, of a register of shares;
- (p) prescribe the extent and the conditions subject to which a registered society may receive deposits and loans;
- (q) regulate the manner in which a registered society may invest or deposit its funds;
 - (7) provide for-
 - (i) the appointment of an arbitrator or arbitrators to decide disputes;
 - (ii) the procedure to be followed in proceedings before the Registrar, arbitrator or arbitrators or other person deciding disputes including the appointment of a guardian for a party to the dispute who is a minor or who, by reason of unsoundness of mind or mental infirmity, is incapable of protecting his interests; and
 - (iii) the levy of the expenses incidental to such proceedings:

- (s) provide for the withdrawal and expulsion of members and the payments, if any, to be made to members who withdraw or are expelled and the liabilities of past members or the estates of deceased members;
- (t) prescribe the prohibitions and restrictions subject to which registered societies may trade with persons who are not members;
- (u) provide for the mode in which the value of a deceased member's interest shall be ascertained, and the nomination of a person to whom such interest may be paid or transferred;
- (v) prescribe the payments to be made and the conditions to be complied with by members applying for loans, the period for which loans may be made and the amount which may be lent to an individual member;
- (w) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and the investment of any funds under the control of a registered society;
- (x) prescribe the conditions under which profits may be distributed to the members of a registered society with unlimited liability and the maximum rate of dividend which may be paid by registered societies;
- (y) prescribe the procedure to be followed by a liquidator appointed under section 36, and the disposal of the surplus assets, if any, of the society;
- (z) prescribe the period for which, and the terms under which, aid may be given by the Central Government to registered societies:
- (aa) provide for the custody of property attached under this Regulation;
- (bb) provide for the issue and service of processes and proof of service thereof;
- (cc) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same;
- (dd) provide for the investigation of claims and objections that may be preferred against any attachment effected by the Registrar or an officer empowered by him;
- (ee) prescribe the manner in which orders and decisions referred to in section 40 may be executed and enforced;

- (ff) provide for the mode of making attachments under section 41;
- ·(gg) provide for the manner of recovery of sums due from a registered society or from an officer, former officer, member, or past or deceased member of a registered society as such to the Government; and
- (hh) all matters expressly required or allowed by this Regulation to be prescribed by rules.
- 57. If immediately before the commencement of this Regulation Repeal. there is in force in the whole or any part of the Islands any law corresponding to this Regulation, that law shall on such commencement stand repealed.

RAJENDRA PRASAD,

President.

R. C. S. SARKAR, Secy.

CORRIGENDA

- 1. In the Gazette of India Extraordinary, Part II, Section 1, dated the 31st December, 1956, on Page 1420, in the Indian Medical Council Act, 1956 (102 of 1956), in sub-section (2) of Section 19, in the second line, for the words "shall forward it along with such remarks as it may choose to", read "may send it to the State Government of the State in which the".
- 2. In the Gazette of India Extraordinary, Part II, Section 1, dated the 14th September, 1960, on page 486, line 4, in clause (a) to Explanation to section 6(i) after the word "shall" insert the word "not".



of **Xndia**

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 1] NEW DELHI, SATURDAY, JANUARY 21, 1961/MAGHA 1, 1882

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 21st January, 1961/Magha 1, 1882 (Saka)

THE INDIAN STAMP (ANDAMAN AND NICOBAR ISLANDS AMENDMENT) REGULATION, 1961

No. 1 of 1961

Promulgated by the President in the Eleventh Year of the Republic of India.

A Regulation further to amend the Indian Stamp Act, 1899, as in force in the Union territory of the Andaman and Nicobar Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- 1. (1) This Regulation may be called the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1961.
- (2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands.
 - (3) It shall come into force at once.
- 2. In the Indian Stamp Act, 1899, as in force in the Union territory of the Andaman and Nicobar Islands immediately before the commencement of this Regulation,—
 - (a) after section 78, the following section shall be, and shall be deemed always to have been, inserted, namely:—
 - "79. For the purpose of determining the stamp duty payable, or an allowance to be made, under this Act, any fraction of five naye paise shall be reckoned as five naye paise.";

Short title, extent and commencement.

Amendment of Act 2 of 1899 as in force in the Ardaman and Nicobar Islands.

Fractions of five naye paise how to be computed.

- (b) in Schedule 1A,---
- (i) for clause (b) of Article No. 5, the following clause shall be substituted, namely:—
- "(b)(i) if relating to the sale | Subject to a maximum of a Government security; | twenty rupees, fifteen

Subject to a maximum of twenty rupees, fifteen naye paise for every Rs. 10,000 or part thereof, of the value of the security.

(ii) if relating to the sale of a share in an incorporated company or other body corporate. Fifteen Rs. 5

Fifteen naye paise for every Rs. 5,000 or part thereof, of the value of the share.";

(ii) for items (i) and (ii) in sub-clause (a) of clause (2) of Article No. 6, the following items shall be substituted, namely:—

	Rs.			naye paise		
"(i) when the amount of the loan or debt does not exceed Rs. 200	0	30	0	20	0	10
(ii) when it exceeds Rs. 200 but does not exceed Rs. 400		60		30	0	20
when it exceeds Rs. 400 but does not exceed Rs. 600	0	85	0	50	0	30
when it exceeds Rs. 600 but does not exceed Rs. 800	Į	15	0	60	0	40
when it exceeds Rs. 800 but does not exceed Rs. 1,000.	I	45	0	75	0	50
when it exceeds Rs. 1,000 but does not exceed Rs. 1,200	I	70	0	85	0	60
when it exceeds Rs. 1,200 but does not exceed Rs. 1,600	2	25	ĭ	15	0	75
when it exceeds Rs. 1,600 but does not exceed Rs. 2,500	3	40	I	70	τ	15
when it exceeds Rs. 2,500 but does not exceed Rs. 5,000	6	75	3	40	2	25
when it exceeds Rs. 5,000 but does not exceed Rs. 7,500	10	0	5	10	3	40
when it exceeds Rs. 7,500 but does not exceed Rs. 10,000	13	50	6	75	4	50
when it exceeds Rs. 10,000 but does not exceed Rs. 15,000	20	25	10	15	6	75
when it exceeds Rs. 15,000 but does not exceed Rs. 20,000	27	0	13	50	9	0
when it exceeds Rs. 20,000 but does not exceed Rs. 25,000	33	75	16	90	ΙI	25

	Rs.			naye paise		naye paise
when it exceeds Rs. 25,000 but does not exceed Rs. 30,000	40	50	2 0	2 5	13	50
and for every additional Rs. 10,000 or part thereof, in excess of						
Rs. 30,000 .	13	50	6	75	4	50

- (iii) Article No. 14 shall be omitted;
- (iv) in Article No. 15, for the words "Twelve naye paise" and "One rupee eighty-seven naye paise" occurring under the column headed "Proper Stamp-duty", the words "fifteen naye paise" and "one rupee and ninety naye paise" respectively shall be substituted;
- (v) in Article No. 16, for the words "Nineteen" and "Thirty-seven" occurring under the column headed "Proper Stamp-duty", the words "Twenty" and "Forty" respectively shall be substituted;
- (vi) in Article No. 41, for the word "Nine" occurring in both places under the column headed "Proper Stamp-duty", the word "Ten" shall be substituted;
 - (vii) in Article No. 43,—
 - (1) in clause (b), for the word "Twelve" occurring under the column headed "Proper Stamp-duty", the word "Fifteen" shall be substituted;
 - (2) in clause (c), for the word "twelve" occurring under the column headed "Proper Stamp-duty", the word "fifteen" shall be substituted.

RAJENDRA PRASAD,

President.

R. C. S. SARKAR, Secy.



of India

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 2] NEW DELHI, TUESDAY, JANUARY 24, 1961/MAGHA 4, 1882

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 24th January, 1961/Magha 4, 1882 (Saka)

THE NAGALAND (TRANSITIONAL PROVISIONS) REGULATION, 1961

No. 2 of 1961

Promulgated by the President in the Eleventh Year of the Republic of India.

A Regulation to make certain transitional provisions for the administration of Nagaland and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- 1. (1) This Regulation may be called the Nagaland (Transitional Short title, extent and commencement.
 - (2) It extends to the whole of Nagaland.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Interpreta-

2. (1) In this Regulation,—

- (a) "Commissioner" means the Commissioner appointed under sub-section (2) of section 4 of the Naga Hills-Tuensang Area 6 of 1957. (Administration) Regulation, 1957;
 - (b) "Governor" means the Governor of Assam:
- (c) "prescribed" means prescribed by rules made under this Regulation.
- (2) The areas comprised in the Naga Hills-Tuensang Area shall be known by the name of Nagaland and any reference in any existing law to the Naga Hills-Tuensang Area shall be construed as a reference to Nagaland.

Interim Body,

- 3. (1) With effect from such date as the Governor may, by notification in the Official Gazette, appoint in this behalf, there shall be established a Council for Nagaland by the name of the Interim Body.
- (2) The Interim Body shall consist of forty-five members chosen by election from the tribes in Nagaland, in accordance with such rules as may be made in this behalf having due regard to the customs and usages of the tribes.
- (3) If any tribe which is required to elect any member fails to do so by a date appointed by the Governor in this behalf, the Interim Body shall be deemed to be established with the members elected before the said date and any vacancy therein on that date shall be deemed to be a casual vacancy.
- (4) The Interim Body shall, as soon as may be, choose a member of that Body to be the Chairman thereof and, so often as the office of Chairman becomes vacant, the Interim Body shall choose another member to be the Chairman.

Oath or affirmation by members.

4. Every member of the Interim Body shall, before taking his seat, make and subscribe before the Governor, or some person appointed in that behalf by him, an oath or affirmation in the prescribed form.

Vacancies, etc., not to invalidate acts or proceedings of Interim Body. 5. No act or proceeding of the Interim Body shall be invalid by reason only of the existence of any vacancy among its members, or any defect in the constitution thereof.

6. The Interim Body shall continue for a period of three years Duration of from the date appointed for its first meeting:

Body.

Provided that the Governor may at any time before the expiry of the said period dissolve the Interim Body.

7. (1) The Chairman or any other member of the Interim Body Resignation may resign his office by giving notice in writing to the Governor.

or office by Chairman or other mem-

- (2) A casual vacancy caused by the resignation of the Chairman or any other member under sub-section (1) or for any other reason shall be filled by fresh election.
- 8. Members of the Interim Body shall be entitled to receive such Allowances of members. travelling and other allowances, if any, as may be prescribed.
- 9. (1) The Interim Body shall meet at least once in every four Meetings of months.

Interim Body.

- (2) All questions which come before any meeting of the Interim Body shall be decided by majority of votes of the members present and voting and in the event of an equality of votes, the Chairman shall have a casting vote.
- (3) Subject to the provisions of this section, the Interim Body shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed.
- 10. (1) The Interim Body shall have the right to discuss, and make Functions of recommendations to the Executive Council on,—

Body,

- (a) matters of administration involving general policy and schemes of development;
 - (b) any other matter referred to it by the Executive Council:

Provided that the Interim Body shall not discuss any matter exclusively affecting, or relating to, the Tuensang District except with the consent of all the members from that District.

(2) Without prejudice to the generality of the provisions of subsection (1), the Interim Body may make recommendations to the Executive Council in regard to the constitution and composition of the Legislative Assembly of the State of Nagaland, the manner in which members thereof shall be chosen and all matters connected therewith or incidental thereto.

(3) The functions of the Interim Body referred to in this section will be advisory only, but due regard shall be given to such advice by the Executive Council in reaching decisions or in making recommendations to the Governor.

Executive Council.

11. (1) There shall be an Executive Council to assist and advise the Governor in the exercise of his functions in relation to such matters (other than finance and the maintenance of public order) as may be specified by the Governor in this behalf:

Provided that the Governor may, in respect of any question relating to financial matters or the maintenance of public order, consult the members of the Executive Council.

- (2) The Executive Council shall consist of such members of the Interim Body, not exceeding five in number, as the Governor may appoint after obtaining the recommendations of that Body.
- (3) The Executive Council shall, as soon as may be, choose a member of the Council to be the Chairman thereof, and so often as the office of Chairman becomes vacant, the Council shall choose another member to be the Chairman.
- (4) The Governor may make rules for the more convenient transaction of the business of the Executive Council and for the allocation of the said business among the members thereof and for the association of the members of the Executive Council with the Commissioner in the administration of Nagaland.
- (5) The members shall hold office during the pleasure of the Governor.
- (6) Any such member who ceases to be a member of the Interim Body shall also cease to be a member of the Executive Council.
- (7) The salaries and allowances of members shall be such as the Governor may, from time to time, determine.

Village, Range and Tribal Councils.

- 12. (1) With effect from such date as the Commissioner may appoint in this behalf, there shall be a Village Council for each village, a Range Council for each range and a Tribal Council for each tribe.
- (2) The Interim Body may, with the previous approval of the Governor, make bye-laws regulating—
 - (a) the constitution of Village, Range and Tribal Councils;
 - (b) the powers exercisable by the said Councils in disputes involving breaches of customary laws and usages; and

- (c) the powers exercisable by the said Councils in relation to such other matters as may be prescribed.
- 13. (1) The Governor may, by notification in the Official Gazette, Power to make rules to carry out all or any of the purposes of this Regulation.
- (2) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (a) the election of members of the Interim Body; and the form in which oath or affirmation may be made and subscribed by the members thereof;
 - (b) the manner in which casual vacancies in the Interim Body may be filled;
 - (c) the travelling and other allowances payable to the members of the Interim Body;
 - (d) the meetings of the Interim Body and the procedure for transaction of business thereat;
 - (e) the allocation of business among the members of the Executive Council and functions of the Executive Council;
 - (f) the Village, Range and Tribal Councils; and the matters in respect of which the Interim Body may make bye-laws in relation to the said Councils;
 - (g) any other matter which has to be, or may be, prescribed.
- 14. The provisions of this Regulation shall be in addition to, and Saving of not in derogation of, the provisions of the Naga Hills-Tuensang 6 of 1959. Area (Administration) Regulation, 1957.

RAJENDRA PRASAD,

President.

R. C. S. SARKAR, Secv.

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EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 5] NEW DELHI, THURSDAY, FEBRUARY 16, 1961/MAGHA 27, 1882

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 16th February, 1961/Magha 27, 1882 (Saka)

THE NORTH EAST FRONTIER AGENCY AND TUENSANG DISTRICT (EXTRADITION) REGULATION, 1961

No. 3 OF 1961

Promulgated by the President in the Twelfth Year of the Republic of India.

A Regulation to provide for the extension of the Indian Extradition Act, 1903, to the North East Frontier Agency and the Tuensang District.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the North East Frontier Agency and Tuensang District (Extradition) Regulation, 1961.

Short title and commencement.

- (2) It shall come into force at once.
- 2. In this Regulation,-

Definitions

(a) "Division" means any of the Frontier Divisions referred to in section 2 of the North East Frontier Areas (Administration) Regulation, 1954; and

I of 1954.

(b) "North East Frontier Agency" and "Tuensang District" mean the North East Frontier Agency and the Tuensang District, respectively mentioned in the North East Frontier Areas (Administration) Regulation, 1954 and the Naga Hills-Tuensang Area of 1954. (Administration) Regulation, 1957.

Extension of 3. The Indian Extradition Act, 1903, as in force in the territories Act 15 of to which it generally extends, is hereby extended to, and shall be in North East force in, the North East Frontier Agency and the Tuensang District Agency and subject to the modifications mentioned in the Schedule. Tuensang District.

Repeal.

4. On the commencement of this Regulation, Notification Nos. 5459 P, 5463 P and 5467 P, dated the 13th October, 1914, issued by the then Chief Commissioner of Assam, in so far as they relate to the Indian Extradition Act, 1903, shall cease to have effect in the North 15 of 1903. East Frontier Agency and the Tuensang District.

THE SCHEDULE

(See section 3)

1. Throughout the Act,—

- (a) unless otherwise expressly provided in this Schedule, for the words, "the States", wherever they occur, the words "the territories to which this Act extends" shall be substituted;
- (b) references to the Code of Criminal Procedure or the Code of Civil Procedure shall, unless the context otherwise requires, be construed as references to the corresponding law for the time being in force in the North East Frontier Agency or the Tuensang District, as the case may be;
- (c) references to the District Magistrate of any district or District Magistrate shall, unless the context otherwise requires, be construed—
 - (i) in the case of the North East Frontier Agency, as references to the Political Officer or the Additional Political Officer of a Division; and
 - (ii) in the case of the Tuensang District, as references to the Deputy Commissioner or the Additional Deputy Commissioner.

2. In section 1,-

- (a) for sub-section (2), the following sub-section shall be substituted, namely:—
 - "(2) It extends to the North East Frontier Agency and the Tuensang District.";
 - (b) sub-section (3) shall be omitted.

3. In section 2,--

- (a) for clause (d), the following clauses shall be substituted, namely:—
 - '(d) "High Court" means the High Court of Assam;
 - (dd) "North East Frontier Agency" and "Tuensang District" mean the North East Frontier Agency and the Tuensang District, respectively mentioned in the North East Frontier Areas (Administration) Regulation, 1954 and the Naga Hills-Tuensang Area (Administration) Regulation, 1957.;
 - (b) clause (g) shall be omitted.
- 4. In section 3, in sub-section (7), for the words "such High Court as may be named in the order", the words "the High Court" shall be substituted.

5. In section 7,—

- (a) in sub-section (1), the words "or if such person is believed to be in any presidency-town to the Chief Presidency Magistrate of such town," shall be omitted;
- (b) in sub-section (2), the words "or Chief Presidency Magistrate, as the case may be" shall be omitted;
- (c) in sub-section (3), the words "or Chief Presidency Magistrate" shall be omitted.
- 6. In section 8A, the words "or Chief Presidency Magistrate, as the case may be," and "or the Chief Presidency Magistrate, as the case may be," shall be omitted.
- 7. In section 16, for the words, "before the passing of this Act," the words, brackets and figures "before the commencement of the North East Frontier Agency and Tuensang District (Extradition) Regulation, 1961" shall be substituted.

- 8. In sections 17 and 21, for the words "the States", the word "India" shall be substituted.
- 9. In section 19, in clause (d), for the words "the States", the words "the North East Frontier Agency and Tuensang District" shall be substituted.
 - 10. Chapter V shall be omitted.

RAJENDRA PRASAD,

President.

R. C. S. SARKAR, Secy.

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EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 6] NEW DELHI, WEDNESDAY, MARCH 1, 1961/PHALGUNA 10, 1882

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 1st March, 1961/Phalguna 10, 1882 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS GRAM PANCHAYATS REGULATION, 1961

No. 4 of 1961

Promulgated by the President in the Twelfth Year of the Republic of India.

A Regulation to provide for the establishment of Gram Panchayats in the Andaman and Nicobar Islands and for matters connected therewith.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I PRELIMINARY

- 1. (1) This Regulation may be called the Andaman and Nicobar Short title, Islands Gram Panchayats Regulation, 1961.

 Commence-
- (2) It extends to the whole of the Union territory of the Andaman ment. and Nicobar Islands except the areas included in a municipality under the provisions of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957.
- I of 1957.
- (3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.
 - 2. In this Regulation, unless the context otherwise requires,—
 - (a) "adult" means a person who has attained the age of 21 Definitions. years;

- (b) "Assistant Commissioner" includes the Revenue Assistant Commissioner;
- (c) "building" includes a house, out-house, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding 8 ft. in height) and any other structure, whether of masonry, bricks, wood, metal or any other material, but does not include a temporary structure erected on ceremonial or festival occasions or a tent;
- (d) "case" means, in relation to a judicial proceeding, a criminal proceeding in respect of any offence triable by a Nyaya Panchayat under this Regulation;
- (e) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;
- (f) "Deputy Commissioner" means the Deputy Commissioner of the Andaman and Nicobar Islands;
- (g) "Gram Sabha" means a Gram Sabha established under section 3;
- (h) "land" includes land which is built upon or covered with water;
- (i) "octroi" means a tax on the entry of goods into a village for consumption, use or sale therein;
- (j) "Official Gazette" means the Andaman and Nicobar Gazette;
- (k) "Panchayat" means a Gram Panchayat constituted under section 11;
- (1) "Pradhan" and "Upapradhan" mean respectively the Pradhan and the Upapradhan of a Gram Panchayat;
- (m) "prescribed" means prescribed by rules made under this Regulation;
- (n) "public street" means a pathway, road, street, square, court, alley, cart track, foot-path or riding path over which the public have a right of way, whether a thoroughfare or not, and includes—
 - (i) the road-way over any public bridge or cause-way,
 - (ii) the foot-way attached to any such street, road, public bridge or cause-way,
 - (iii) the drains attached to any such street, road, public bridge or cause-way and the land which lies on either side of the road-way up to the boundaries of the adjacent property;
- (o) "Sarpanch" and "Upasarpanch" mean respectively the Sarpanch and the Upasarpanch of a Nyaya Panchayat;

- (p) "Schedule" means a Schedule to this Regulation;
- (q) "suit" means a civil suit triable by a Nyaya Panchayat under this Regulation;
- (r) "tax" means a tax, cess, rate or other impost leviable under this Regulation, but does not include a fee;
- (s) "term of a Panchayat" means the period for which the members of a Panchayat shall hold office under section 21;
- (t) "village" means any local area recorded as a village in the revenue records and includes any area which the Chief Commissioner may, by general or special order, declare to be a village for the purposes of this Regulation.

CHAPTER II

ESTABLISHMENT AND CONSTITUTION OF GRAM SABHAS

- 3. The Chief Commissioner may, by notification in the Official Establish-Gazette, constitute any village or group of villages into a Gram and Gram establish a Gram Sabha for the Gram.
- 4. (1) A Gram Sabha shall consist of all adults ordinarily rest. Constitution dent within the village or group of villages for which it is establish- Sabha. ed:

Provided that a person shall be disqualified for being a member of the Gram Sabha if he-

- (a) is not a citizen of India, or
- (b) is of unsound mind and stands so declared by a competent court.
- (2) A person shall be deemed to be ordinarily resident in a village if he has been ordinarily residing in such village or is in possession of a dwelling house therein ready for occupation.
- 5. Every Gram Sabha shall, by the name notified in the Official Incorpora-Gazette under section 3, be a body corporate having perpetual suc- Sabha. cession and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation, have power to acquire, hold, administer and transfer property, both movable and immovable, and to enter into any contract and shall, by the said name, sue or be sued:

Provided that the powers and duties of the Gram Sabha shall. save as otherwise expressly provided in this Regulation, be exercised. performed and discharged by the Gram Panchayat constituted under section 11.

Alteration in area of Gram.

- 6. (1) The Chief Commissioner may, in consultation with the Gram Sabha or the Gram Sabhas concerned, at any time by notification in the Official Gazette,—
 - (a) include any area in a Gram, or
 - (b) exclude any area from a Gram, or
 - (c) declare that any local area shall cease to be a Gram.
- (2) Where, by a notification under sub-section (1), any area is included in a Gram, such area shall thereby become subject to all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in the area within the jurisdiction of the Gram-Sabha:
- (3) Where, by a notification under sub-section (1), the whole of the area of a Gram ceases to be a Gram, the Gram Sabha shall cease to exist and its assets and liabilities shall be disposed of in the prescribed manner; and if a part of such area ceases to be a Gram, the jurisdiction of the Gram Sabha shall be reduced by that part

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Gram

Cemation of member-ship.

- 7. (1) A member of a Gram Sabha shall cease to be a member, if—
 - (a) he is disqualified under section 4, or
 - (b) the area where he resides has been excluded from the jurisdiction of the Gram Sabha, or
 - (c) he ceases to be ordinarily resident within the jurisdiction of the Gram Sabha.
- (2) Where any person ceases to be a member of a Gram Sabha under sub-section (1), he shall also cease to hold any office to which he may have been elected or appointed by reason of his being a member thereof.

Register of members.

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8. On the establishment of a Gram Sabha, the Assistant Commissioner shall cause to be prepared a register in the prescribed manner of all persons ordinarily residing within the jurisdiction of the Gram Sabha; such register shall, among other things, contain the names of all persons entitled under section 4 to be members of the Gram Sabha on the date of its establishment and shall be revised at least once a year in the prescribed manner.

Meetings of Gram Sabha. 9. (1) Every Gram Sabha shall hold two general meetings in each year, one after the harvesting of the Kharif crop and the other after the harvesting of the Rabi crop:

Provided that the Pradhan shall, upon a requisition in writing by not less than one-fifth of the number of members, within thirty days of the receipt of such requisition, call an extraordinary general meeting of the Gram Sabha.

- (2) The Pradhan or, in his absence, the Upapradhan or, in the absence of both, any person chosen by the Gram Sabha shall preside at such meetings.
- (3) The notice of the time and place of all meetings of the Gram Sabha shall be given in the prescribed manner.
- (4) One-tenth of the total number of members of the Gram Sabha general shall form the quorum for a meeting. Work at general meetings.
- 10. (1) The Panchayat shall place before the Gram Sabha at its Rabi meeting—
 - (a) the annual statement of accounts,
 - (b) the report of the administration of the preceding financial year,
 - (c) the development and other programmes of work proposed for the current financial year, and
 - (d) the last audit note and replies made thereto.
- (2) It shall be open to the Gram Sabha to discuss any or all of the matters placed before it under sub-section (1) and the Panchayat shall consider the suggestions, if any, made by the Gram Sabha.
- (3) A Gram Sabha shall carry out such other functions as the Chief Commissioner may, by general or special order, require.

CHAPTER III

THE GRAM PANCHAYAT AND ELECTIONS

- 11. (1) As soon as may be after its establishment, every Gram Constitution Sabha shall elect from among its members an executive committee chayats. called the Gram Panchayat (hereinafter referred to as the Panchayat).
- (2) A Panchavat shall consist of such number of members, not being less than nine or more than fifteen, as the Deputy Commissioner may determine.
 - (3) In every Panchayat, two seats shall be reserved for women.
- (4) If, for any reason, an election does not result in the return of the required number of qualified persons willing to take office, the Assistant Commissioner shall, as soon as possible appoint, from persons qualified to be elected, such number of persons as are necessary to make up the required number, and the persons so appointed shall be deemed to have been duly elected under sub-section (1).
- (5) The area of a Gram shall be divided into such number of wards and the number of members of a Panchayat to be elected from each

ward shall be such as may be determined by the Deputy Commissioner.

Persons qualified to vote and be elected.

- 12. (1) Every member of a Gram Sabha shall, unless disqualified under this Regulation or any other law for the time being in force, be qualified to vote at an election to the Panchayat or at a meeting of the Gram Sabha.
- (2) Every member of a Gram Sabha shall, unless disqualified under this Regulation or any other law for the time being in force, be qualified to be elected to the Panchayat.

Disqualifications.

- 13. No person shall be a member of a Panchayat or continue as such if he-
 - (a) has failed to pay any tax, fee or other sum due to the Gram Sabha within three months from the date on or before which such tax, fee or other sum is required to be paid, or
 - (b) holds any salaried office or place of profit under the Gram Sabha or the Panchayat, or
 - (c) has directly or indirectly any share or monetary interest in any work done by or to the Panchayat or in any contract or employment with, under or by or on behalf of, the Gram Sabha, OL
 - (d) is a servant of the Government or any municipality, or
 - (e) has been dismissed from the service of the Government or a municipality for misconduct, or
 - (f) is a leper, or
 - (g) has been removed from office under sub-section (1) of section 25 and five years have not elapsed from the date of such removal, or
 - (h) has been ordered to give security for good behaviour under section 109 or 110 of the Code of Criminal Procedure, 1898, 5 of 1898. or
 - (i) has been convicted by a criminal court of any offence involving violence or moral turpitude and sentenced to imprisonment for not less than six months and five years have not elapsed since his release.

Decision on to disqualification.

14. If any question arises as to whether a person has become questions as subject to any disqualification referred to in section 4, section 7 or section 13, it shall be referred to the Deputy Commissioner for decision and his decision thereon shall be final.

the determination of such question.

toprorrion against hold ing office.

15. No person shall simultaneously hold any office in the Panchayat and the Nyaya Panchayat.

16. (1) If the validity of any election of a member of a Panchayat Dispute as is brought in question by any person qualified to vote at the election of election. to which such question relates, such person may, at any time within 15 days after the date of declaration of the result of the election, apply to the Deputy Commissioner in such form as may be prescribed for

- (2) If, on receipt of an application under sub-section (1) and after making such inquiry as he considers necessary, the Deputy Commissioner is satisfied—
 - (a) that any member who has been elected was on the date of election subject to any of the disqualifications specified in section 13, or
 - (b) that any corrupt practice has been committed by any member who has been elected or by any other person with the knowledge and consent of such member, or
 - (c) that the result of the election, in so far as it concerns an elected member, has been materially affected-
 - (i) by any corrupt practice committed in the interest of the elected member by any person without the knowledge or consent of such member, or
 - any non-compliance with the provisions of this Regulation or any rules or orders made thereunder,

the Deputy Commissioner shall declare the election of such member to be invalid, and such declaration shall be final:

Provided that no election of a member shall be declared invalid on the ground that such member committed a corrupt practice unless he has been given an opportunity to show cause against such declaration.

- (3) Where the Deputy Commissioner declares the election of any member to be invalid on the ground that he committed a corrupt practice, the Deputy Commissioner may declare such member to be disqualified from exercising any electoral right or from being a member of any Panchayat for such period not exceeding five years as he may determine.
- (4) A person shall be deemed to have committed a corrupt practice if he, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration or holds out any promise of individual profit or any threat of injury to any person.

Fresh election.

17. If the Deputy Commissioner declares the election of any member to be invalid, a fresh election for the vacancy so caused shall be held in accordance with the provisions of this Regulation.

Jurisdiction of civil courts in election matters barred.

18. No civil court shall have jurisdiction to question the legality of any action taken or any decision given by the Deputy Commissioner in connection with the conduct of elections under this Regulation.

Election of Pradhan and Upapradhan.

- 19. (1) On the establishment of a Panchayat for the first time under this Regulation or on the expiry of the term of a Panchayat or on its re-constitution, a meeting shall be called on a date fixed by the Assistant Commissioner for the election of the Pradhan and the Upapradhan.
- (2) The Assistant Commissioner shall preside at such meeting but shall not have the right to vote.
- (3) No business other than the election of the Pradhan and the Upapradhan shall be transacted at such meeting.
- (4) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the Assistant Commissioner in such manner as he may determine.
- (5) In the event of a dispute arising as to the validity of the election of the Pradhan or the Upapradhan, the dispute shall be referred to the Deputy Commissioner whose decision thereon shall be final.

Pradhan to tive.

20. The executive powers of the Panchayet under this Regulation be the execu- and the responsibility for the due fulfilment of the duties imposed on the Panchayat under this Regulation and for carrying out the resolutions of the Panchayat shall vest in the Pradhan.

Term office of Pradhan and other members.

21. (1) The members of a Panchayat shall hold office for a term of four years:

Provided that the Chief Commissioner may, by order in writing and for reasons to be recorded, extend the said term by a period not exceeding one year, and every such order shall be notified in the Official Gazette.

- (2) The term of office of the members shall be deemed to commence on the date of the first meeting of the Panchayat which shall be held on a date fixed by the Assistant Commissioner.
- (3) The term of office of outgoing members shall be deemed to extend to and expire with the date preceding the date of such meeting.
- (4) The Pradhan and the Upapradhan shall hold office for the term of the Panchayat including the extended term, if any:

Provided that the Pradhan shall, after the expiry of his term. continue to carry on the current duties of his office until a new Pradhan is elected and takes over charge.

- 22. (1) As soon as may be after the first meeting of the Panchayat, Oath of every member thereof shall take the oath of office before the Assis- Office. tant Commissioner in the form set out in the First Schedule.
- (2) No member who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall he be included as a member of any Committee constituted by the Panchayat.
- 23. (1) Any member may resign his office by giving notice in Resignation writing to that effect to the Pradhan, and such resignation shall take of office. effect from the date of its receipt by the Pradhan.
- (2) The Upapradhan may resign his office by giving notice in writing to the Pradhan, but the resignation shall not take effect until it is accepted by the Panchayat.
- (3) The Pradhan may resign his office by giving notice in writing to the Assistant Commissioner, but the resignation shall not take effect until it is accepted by him.
- 24. (1) A motion of no-confidence may be moved by any member Motion of no of a Panchayat against the Pradhan or the Upapradhan after giving confidence. such notice thereof as may be prescribed.
- (2) If the motion is carried by a majority of not less than twothirds of the total number of members of the Panchayat, the Pradhan or the Upapradhan, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.
- (3) Notwithstanding anything contained in this Regulation, the Pradhan or the Upapradhan shall not preside over a meeting in which a motion of no-confidence is discussed against him, but he shall have a right to speak or otherwise take part in the proceedings of such meeting.
- 25. (1) The Deputy Commissioner may, after giving due notice Removal to the Panchayat and after such enquiry as he thinks fit, remove from from office. office any member of a Panchayat or the Pradhan or the Upapradhan who has been guilty of misconduct or neglect of duty or persistent remissness in the discharge of his duties; the Pradhan or the Upapradhan so removed shall not be eligible for re-election during the remainder of the term of the Panchayat.

- (2) Any person who has been removed from his office by the Deputy Commissioner under sub-section (1) may, within thirty days from the date of the order, prefer an appeal to the Chief Commissioner against such order and the Chief Commissioner may, after giving the appellant an opportunity of being heard, modify, set aside or confirm the order of removal.
- (3) An order passed by the Chief Commissioner on appeal shall be final.
- (4) Where an appeal has been filed under sub-section (2), the Chief Commissioner may stay the operation of the order of the Deputy Commissioner till the appeal is disposed of.

Cosual Vacancy.

26. Any casual vacancy in the office of the Pradhan, the Upapradhan or a member of a Panchayat shall be filled for the remainder of his term by election in accordance with the provisions of this Regulation.

Officers and servants of the Panchavat.

- 27. (1) The Assistant Commissioner shall appoint a Secretary for every Panchayat or group of Panchayats and the Secretary so appointed shall be ex officio Secretary of the Gram Sabha or the Gram Sabhas concerned.
- (2) The Panchayat may appoint such other officers and servants and in such number as may from time to time be necessary:

Provided that it shall not create any post not already provided for in the budget except with the previous approval of the Assistant Commissioner.

(3) The terms and conditions of service of the Secretary and the other officers and servants shall be such as may be prescribed.

Meetings of

- 28. (1) The time and place of meetings of a Panchayat and the Panchayata procedure at such meetings shall be such as may be prescribed.
 - (2) A member of a Panchayat may, at any meeting, move any resolution and put questions to the Pradhan or the Upapradhan on matters connected with the administration of the Panchayat in the manner prescribed.
 - (3) No resolution of a Panchayat shall be modified, amended, varied or cancelled by the Panchayat within a period of three months from the date of passing thereof except by a resolution supported by two-thirds of the total number of members of the Panchayat.

- 29. (1) Subject to such control and restrictions as may be pres- Committees. cribed, a Panchayat may appoint Committees for exercising such of its powers and discharging such of its duties and functions as it may specify.
- (2) A Committee shall consist of not more than five members and may be dissolved or reconstituted for such reasons and in such manner as may be prescribed.
- 30. No act or proceeding of a Panchayat or of any Committee Proceedings thereof shall be deemed to be invalid by reason only of the existence invalid. of any vacancy or defect in the constitution of the Panchayat or the Committee or of any informality in its proceedings.

CHAPTER IV

Powers, duties and functions of the Panchayat

- 31. (1) It shall be the duty of every Panchayat so far as the Gram Duties and Fund may allow to make reasonable provision within its jurisdiction functions. in regard to the matters specified in the Second Schedule.
- (2) The Panchayat may also make provision for carrying out within the area of the Gram any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the residents of the Gram.
- 32. The Panchayat shall have control of all roads, streets, water- Public streets ways, bridges and culverts which are situated within its jurisdiction and waternot being private property or not being under the control of the ways. Government and may do all things necessary for the maintenance and repair thereof, and in particular, may-

- (a) lay out and make new roads,
- (b) construct new bridges and culverts.
- (c) widen, open, enlarge or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads.
- (d) deepen or otherwise improve waterways under its control, and
- (e) cut any hedge or branch of any tree projecting on any public road or street.

Transfer of any work or the Panchayat.

33. The Chief Commissioner may entrust to the Panchayat, the institution to execution, maintenance or repair of any work or the management of any institution on behalf of the Government or any local authority:

> Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall be placed at the disposal of the Panchayat by the Government or such local authority.

Collection of land revenue, etc.

- 34. (1) Subject to such conditions as may be prescribed, the Chief Commissioner may, with the consent of a Panchayat, by notification in the Official Gazette, entrust to the Panchayat the functions and duties of collecting the land revenue and other dues recoverable as arrears of land revenue.
- (2) Where any functions or duties are entrusted to a Panchayat under sub-section (1), the Chief Commissioner shall pay to such Panchayat collection charges at such rates as he may determine.

Village volunteer force.

- 35. (1) Subject to the rules made under this Regulation, a Panchayat may organise a village volunteer force consisting of ablebodied males residing in the Gram who are between the ages of 21 and 40 and who are willing to join the force and place such force under the command of a suitable person.
- (2) The services of the village volunteer force may be utilised for general watch and ward purposes and in cases of emergency like fire, floods, out-break of epidemics or any other natural calamity.
- (3) No member of the force shall be held liable for damages on account of any act done by him in the bona fide discharge of his duties as a member of such force.

Execution of contracts.

36. Every contract or agreement entered into by a Panchayat shall be in writing and shall be signed by the Pradhan and by two other members of the Panchayat and sealed with the common seal of the Gram Sabha.

CHAPTER V

FINANCE, PROPERTY AND ACCOUNTS

37. (1) There shall be a Gram Fund for each Gram Sabha and Gram Fund. the same shall be utilised for carrying out the duties and obligations imposed upon the Gram Sabha or the Gram Panchayat by this Regulation.

- (2) The following shall be credited to and form part of the Gram Fund, namely:—
 - (a) the proceeds of any tax or fee imposed under this Regulation,
 - (b) the contributions made by the Government or any local authority or person,
 - (c) all sums ordered by any authority or court to be credited to the Gram Fund,
 - (d) the income from securities in which the Gram Fund is invested,
 - (e) the share in the collection of land revenue or other dues of the Government,
 - (f) all sums received by way of loans or gift,
 - (g) the income derived from fisheries under the management of the Panchayat,
 - (h) the income from or proceeds of any property of the Gram Sabha,
 - (i) the sale proceeds of all dust, dirt, dung or refuse collected by the servants of the Panchayat,
 - (j) sums assigned to the Gram Fund by any general or special order of the Government,
 - (k) all sums received in aid of or for expenditure on any institution or service, maintained or financed from the Gram Fund or managed by the Panchayat.
- (3) The amount in the Gram Fund shall be applied subject to the provisions and for the purposes of this Regulation and shall be kept in such custody as may be prescribed.
- 38. The Chief Commissioner may, subject to such conditions as he Grants. may deem fit, make grants to the Panchayat for general purposes or for the improvement of the Gram and the welfare of the residents therein.
- 39. (1) All public property situated within the jurisdiction of a Property Gram Sabha shall vest in and belong to the Gram Sabha and be vested in the Gram under its direction, management and control.
- (2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Panchayat and the Gram Sabha shall receive to the credit of the Gram Fund all dues levied or imposed in respect thereof.

Taxes which may be im-Posed.

- 40. (1) Subject to the rules made under this Regulation, a Panchayat may levy—
 - (a) a tax on the owners or occupiers of buildings,
 - (b) a tax on professions, trades, callings and employment,
 - (c) a tax on vehicles other than mechanically propelled vehicles kept within the limits of the Gram,
 - (d) a tax on sale of cattle within the limits of the Gram,
 - (e) a theatre or show tax on entertainments and amusements.
 - (f) a lighting tax,
 - (g) a drainage tax,
 - (h) octroi!
 - (i) fees for sale of goods in markets, melas, fairs and festivals,
 - (i) fee for grazing of cattle in grazing lands under the management of the Panchayat,
 - (k) fee for providing the watch and ward of crops in the Gram,
 - (l) licence fee for plying of public ferry.
- (2) The taxes and fees referred to in sub-section (1) shall be imposed, assessed and realised in such manner and at such times as may be prescribed.

Appeal against levy of tax, etc.

41. Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the Assistant Commissioner within thirty days of the date of the order imposing such tax or fee.

Suspension of levy of tax or fee.

42. The Deputy Commissioner may, by notification in the Official Gazette, suspend the levy or imposition of any tax or fee and may at any time in like manner rescind such suspension.

Lease of

43. It shall be lawful for a Panchayat to lease by public auction markets, etc. or private contract the collection of any fee on markets and bazaars if any such fee is imposed under section 40:

> Provided that a lessee shall give security for the due fulfilment of the conditions of the lease or contract.

Recovery of taxes and other dues.

44. (1) When any tax or fee or other sum due to a Panchayat has become payable, the Panchayat shall with the least practicable delay cause to be sent to the person liable for the payment thereof a demand notice in the prescribed form for the amount due from him and require him to pay the amount within thirty days from the date of such notice.

- (2) Every notice of demand under sub-section (1) shall be served in such manner as may be prescribed.
- (3) If the sum for which a notice of demand has been served is not paid within thirty days from the date of such notice, the Panchayat may apply to the Tahsildar for its recovery as an arrear of land revenue.
- 45. Every Panchayat shall maintain accounts of its receipts and Accounts. expenditure in such form as may be prescribed.
- 46. (1) The Pradhan shall prepare annually, on or before such Annual estidate and in such form as may be prescribed, a budget estimate of the mate of expenditure. income and expenditure of the Panchayat for the next financial year.
- (2) The Panchayat shall, as soon thereafter as may be, consider the budget estimate and approve the same without any modification or with such modifications or changes as it may consider necessary.
- (3) A copy of the budget estimate shall be forwarded without delay to the Assistant Commissioner but not later than the 1st March.
- (4) The prescribed authority may at any time, whether before or after the annual estimate takes effect, make such amendments, modifications or changes therein as may appear to it necessary.
- (5) No expenditure shall be incurred by a Panchayat unless it is included in the budget estimate which has been approved by the Gram Sabha.
- 47. (1) The accounts of every Panchayat shall be audited annual- Audit. ly in such manner as may be prescribed.
- (2) The audit shall be carried out by the Assistant Commissioner or such other officer as the Deputy Commissioner may appoint in this behalf, and the Assistant Commissioner or other officer shall, within one month of the completion of the audit, forward copies of the audit report to the Deputy Commissioner and the Panchayat.
- (3) The Deputy Commissioner may, after considering the report and after making such further inquiry as he may consider necessary, disallow any item which appears to him contrary to law

and surcharge the same on the person making or authorising the illegal payment, and shall—

- (a) if such person is a member of the Panchayat, proceed against him in the manner specified in sub-sections (2) and (3) of section 52, and
- (b) if such person is not a member of the Panchayat, obtain the explanation of the person and direct such person to pay to the Panchayat the amount surcharged within a specified period; and if the amount is not paid within the specified period, the Deputy Commissioner shall cause it to be recovered as an arrear of land revenue and credited to the Gram Fund.
- (4) Any person aggrieved by an order of the Deputy Commissioner under sub-section (3) may, within thirty days of the date of the order, prefer an appeal to the Chief Commissioner whose decision on such appeal shall be final.

Administration report.

- 48. (1) Every Panchayat shall submit annually to the Assistant Commissioner a report on the administration of the Panchayat during the previous year.
- (2) The report shall be prepared by the Pradhan and after it is approved by the Panchayat shall be forwarded to the Assistant Commissioner with a copy of the resolution of the Panchayat thereon.

CHAPTER VI

CONTROL OF PANCHAYATS

Power to call for proceedings, etc.

- 49. The Deputy Commissioner or the Assistant Commissioner shall have power—
 - (a) to call for—
 - (i) any extract from the proceedings of a Panchayat, or any book, record, correspondence or documents in the possession or under the control of a Panchayat,
 - (ii) any return, plan, estimate, statement, account or report for the purpose of inspection or examination; and
 - (b) to require a Panchayat to take into consideration—
 - (i) any objection which appears to the Deputy Commissioner or the Assistant Commissioner to exist to the doing of anything which is about to be done or is being done by such Panchayat, or
 - (ii) any information which the Deputy Commissioner or the Assistant Commissioner is able to furnish and which appears to the Deputy Commissioner or the Assistant Commissioner to necessitate the doing of a certain thing by the

Panchayat and to make a written reply to the said Deputy Commissioner or the Assistant Commissioner, as the case may be, within a reasonable time, stating its reasons for not desisting from doing such things.

50. If, at any time, it appears to the Assistant Commissioner Default in that a Panchayat has made wilful and persistent default in the per- of duty by formance of any duty imposed on it by this Regulation, he may, by Panchayats. order in writing, fix a period for the performance of that duty. If the duty is not performed within the period so fixed, the Assistant Commissioner may appoint any person to perform it, and direct that the expenses of the performance of the duty shall be paid by the defaulting Panchayat within such period as the Assistant Commissioner may think fit.

51. (1) If, in the opinion of the Assistant Commissioner, the Suspension execution of any order or resolution of a Panchayat or the doing of of execution of order or anything which is about to be done or is being done by or on behalf resolution of of a Panchayat is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend the execution or prohibit the doing thereof.

- (2) When the Assistant Commissioner makes an order under subsection (1), he shall forthwith send to the Panchayat affected thereby a copy of the order together with a statement of the reasons for making it,
- (3) The Assistant Commissioner shall forthwith submit to the Deputy Commissioner a report of the circumstances in which the order was made under this section and the Deputy Commissioner may, after giving notice to the Panchayat and making such inquiry as he deems fit, rescind, modify or confirm the order.
- 52. (1) Every member of a Panchayat shall be personally liable Liability of for the loss, waste or misapplication of any money or other property loss, waste of the Gram Sabha to which he has been a party or which has been or misapplicaused or facilitated by his misconduct or wilful neglect of his duty as a member amounting to fraud.

(2) If, after giving the member concerned a reasonable opportunity for showing cause to the contrary, the Assistant Commissioner is satisfied that the loss, waste or misapplication of any money or other property of the Gram Sabha is a direct consequence of misconduct or wilful neglect on his part, he shall, by order in writing, direct such member to pay to the Panchayat before a fixed date, the

amount required to reimburse it for such loss, waste or misapplication:

Provided that no such order shall be made for bona fide or technical irregularities or mistakes of a member.

- (3) If the amount is not so paid, the Assistant Commissioner shall recover it as an arrear of land revenue and credit it to the Gram Fund.
- (4) An order of the Assistant Commissioner shall be subject to an appeal to the Deputy Commissioner if made within thirty days of the date of the order.

Dissolution of Panchayat.

- 53. (1) If, in the opinion of the Chief Commissioner, a Panchayat-
 - (a) exceeds or abuses its powers, or
- (b) is incompetent to perform, or makes wilful and persistent default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or
 - (c) fails to levy the taxes leviable under this Regulation, or
- (d) persistently disobeys the order of the Assistant Commissioner made under sub-section (2) of section 51,

the Chief Commissioner may, by order published in the Official Gazette, dissolve the Panchayat and direct that it shall be reconstituted in the manner provided in this Regulation.

- (2) No order under sub-section (1) shall be passed without giving to the Panchayat a reasonable opportunity to render an explanation.
- (3) If a Panchayat is dissolved under sub-section (1), the following consequences shall ensue, namely:—
 - (a) all the members of the Panchayat shall, from the date specified in the order, cease to be members;
 - (b) all powers and duties of the Panchayat shall, during the period of dissolution of the Panchayat, be exercised and performed by such person or persons as the Chief Commissioner may appoint in this behalf;
 - (c) the Nyaya Panchayat for the Gram shall be deemed to have been dissolved and all the members of the Nyaya Panchayat shall vacate office as from such date.

Disputes between Panchayats. 54. If any dispute arises between two or more Panchayats, it shall be referred to the Deputy Commissioner, and the desision of the Deputy Commissioner thereon shall be final.

55. The Chief Commissioner or the Deputy Commissioner may Chief Commissioner or call for and examine the record of the proceedings of any officer or Deputy Panchayat for the purpose of satisfying himself as to the legality Commisor propriety of any order passed and may revise or modify the order call for proas he may deem fit.

CHAPTER VII

NYAYA PANCHAYAT

- 56. (1) There shall be for every Gram a Nyaya Panchayat which Constitution shall consist of five persons to be elected by the members of the Panchayat. Panchayat from among themselves.
- (2) Three members of the Nyaya Panchayat shall form the quorum for a meeting.
- 57. Every member of a Nyaya Panchayat shall before entering Oath upon his duties, take the oath of office in the form set out in the office. First Schedule before the Assistant Commissioner.
- 58. Every Nyaya Panchayat shall elect from among its mem-Election of bers a Sarpanch and an Upasarpanch who are able to read and write Sarpanch Upa-Hindi.
- 59. The term of office of every member of a Nyaya Panchayat Term of shall be co-terminous with the term of the Panchayat:

Provided that the Sarpanch and the Upasarpanch shall continue in office until they are relieved by their respective successors.

- 60. The Secretary of the Panchayat shall be ex officio judicial Judicial clerk of the Nyaya Panchayat for the purposes of recording its pro- clerk. ceedings and decisions and performing such other duties as may be prescribed.
- 61. Every Nyaya Panchayat shall have a seal bearing its name, Seal of the name of the tehsil and the district in which it is constituted; and Nyaya Panchayat. all its decrees, orders, proceedings and processes shall bear the seal of the Nyaya Panchayat.
- 62. The Sarpanch, the Upasarpanch or a member of a Nyaya Resignation Panchayat may resign his office by giving notice in writing under of member. his hand to the Assistant Commissioner and his office shall thereupon become vacant.

Removal of member from Nyaya Panchayat.

- 63. (1) The Deputy Commissioner may, after giving him an opportunity of being heard and for reasons to be recorded, remove any member of a Nyaya Panchayat, if in his opinion, such member has been guilty of misconduct in the discharge of his duties.
- (2) Any person aggrieved by an order of the Deputy Commissioner under sub-section (1) may, within thirty days of the date of the order, appeal to the Chief Commissioner whose decision thereon shall be final.

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64. Any vacancy arising in the office of member of a Nyaya Panchayat shall be filled by election, and the member so elected shall hold office for so long as the member in whose place he has been elected would have held office if the vacancy had not occurred.

CHAPTER VIII

POWERS OF NYAYA PANCHAYAT

Powers of Nysya Panchayat. 65. A Nyaya Panchayat may exercise such of the powers mentioned in sections 66 and 68 as the Chief Commissioner may, by general or special order, specify.

Suits triable by Nyaya Panchayat.

- 66. Subject to the provisions of section 65, a Nyaya Panchayat may take cognizance of all or any of the following suits, namely:—
 - (a) suits for money due on contract not affecting any interest in immovable property;
 - (b) suits for recovery of movable property or for the value thereof;
 - (c) suits for compensation for wrongfully taking or injuring movable property;
 - (d) suits for damages caused to standing crops by cattle trespass:

where the amount or value of the claim does not exceed Rs. 100.

Suits not triable by Nyaya Panchayat,

- 67. A Nyaya Panchayat shall not have jurisdiction to try any suit—
 - (a) on a balance of partnership account;
 - (b) for a share or part of a share under any intestacy or for a legacy or part of a legacy under a will;
 - (c) by or against the Government or any local authority or an officer or servant of the Government or a member, officer or servant of a local authority in his official capacity;

- (d) by or against a minor or a person of unsound mind.
- 68. Subject to the provisions of section 65, a Nyaya Panchayat may Offences take cognizance of and try all or any of the offences specified in the Nyava Third Schedule including abetments of, and attempts to commit such Panchayat. offences.

69. No Nyaya Panchayat shall take cognizance of any criminal case Offences not against a person where such person-

to be tried by a Nyaya

- (a) has been previously convicted of an offence punishable Panchayat. with imprisonment of either description for a term of three years or upwards;
- (b) has been previously fined for theft by any Nyaya Panchayat;
- (c) has been bound over to be of good behaviour under section 109 or section 110 of the Code of Criminal Procedure.

(d) has been previously convicted under the Public Gambling Act, 1867;

(e) is a public servant.

70. (1) No Nyaya Panchayat shall try any suit or issue in respect Resjudicara of any matter which is pending for decision in, or has been heard ing suits. and decided by, a court of competent jurisdiction in a former civil suit between the same parties or between parties under whom they or any of them claim.

- (2) Where an accused person has been tried for any offence, no Nyaya Panchayat shall take cognizance of such offence or on the same facts of any other offence of which the accused might have been charged or convicted.
- 71. The decision of a Nyaya Panchayat on the question of title, Effect of legal character, contract or obligation shall not bind the parties except decision. in respect of the suit in which such matter is decided.
- 72. (1) The maximum penalties which may be imposed by a Maximum Nyaya Panchayat and the offences for which they may be imposed penalties. shall be as specified in the Fourth Schedule.
- (2) No sentence of imprisonment, whether substantive or in default of payment of fine, shall be imposed by a Nyaya Panchayat.
- 73. Instead of passing any sentence, a Nyaya Panchayat may dis- Youthful charge, after due admonition, a youthful offender who, in the opinion of such Nyaya Panchayat, is, at the time of conviction of the offence, under the age of sixteen years.

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Compensation to complainants.

- 74. In inflicting any fine under section 72, a Nyaya Panchayat may direct that the whole or any portion of the fine recovered shall be applied—
 - (a) towards defraying the expenses properly incurred in the case by the complainant, or
 - (b) in giving compensation to a person for any material loss or damage caused to him by reason of the commission of the offence.

Compensation to accused. 75. A Nyaya Panchayat may, if it is satisfied after enquiry that a case brought before it is false, frivolous or vexatious, order the complainant to pay the accused such compensation not exceeding rupees ten as it thinks fit.

Security for keeping the peace.

- 76. (1) Whenever the Sarpanch has reason to apprehend that any person within the jurisdiction of the Nyaya Panchayat is likely to commit a breach of the peace or disturb public tranquillity, he may, by order in writing, require such person to show cause why he should not be ordered to execute a bond with or without sureties for an amount not exceeding rupees one hundred for keeping the peace for a period not exceeding 15 days. The Sarpanch shall, after issue of such notice, refer the matter to the Nyaya Panchayat.
- (2) If the Nyaya Panchayat is satisfied that it is necessary for keeping the peace that the person in respect of whom the notice has been issued should execute a bond with or without sureties, the Nyaya Panchayat shall make an order accordingly:

Provided that when the person in respect of whom the enquiry is made is a minor, the bond shall be executed by his sureties.

- (3) If the Nyaya Panchayat is satisfied that it is not necessary for keeping the peace that such person should execute a bond, the Nyaya Panchayat shall make an order accordingly and shall discharge him.
- (4) Nothing contained in this section shall affect the powers of a Magistrate to take security for keeping the peace under section 107 of the Code of Criminal Procedure, 1898.

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Contempt of Nyaya Panchayat. 77. (1) If any person intentionally offers any insult to a Nyaya Panchayat or any member thereof, while it is sitting in any stage of a judicial proceeding, in its or his view or presence or refuses to take oath duly administered or sign a statement made by the said person when legally required to do so, the Nyaya Panchayat may, at any time before rising on the same day, take cognizance of the offence and sentence the offender to a fine not exceeding ten rupees.

- (2) The fine imposed shall be deemed to be a fine imposed in a case.
- 78. (1) No member of a Nyaya Panchayat who is a party to, or Certain has any interest in, any suit or case shall sit on the Nyaya Panchayat to sit on while it is trying such suit or case.

Nyaya Panchayat,

- (2) Any dispute as to whether a member is a party to, or interested in, a suit or case shall, on a written application by a party to such suit or case, be referred to the Assistant Commissioner for decision: the decision of the Assistant Commissioner thereon shall be final.
- 79. (1) If any member of a Nyaya Panchayat is absent from any Absence of hearing, the remaining members may, notwithstanding anything con- hearings, tained in this Regulation, try the suit or case, provided that at least three members are present.

- (2) No trial as aforesaid shall be invalid by reason merely that all the members were not present at any hearing, or that some of the members were not present at all the hearings, of such trial.
- 80. Save as otherwise provided in this Regulation, the Chief Com- Conduct of missioner may make rules to regulate-

business of Nyaya Fanchayat.

- (a) the conduct and distribution of business in and practice before a Nyaya Panchayat;
- (b) the times and places of sittings of a Nyaya Panchayat; and
- (c) any other matter which, in the opinion of the Chief Commissioner, is necessary for the proper and efficient conduct of proceedings before a Nyaya Panchayat.

CHAPTER IX

PROCEDURE IN CASES AND SUITS

81. (1) Any person who wishes to institute a suit or case before a Suits and Nyaya Panchayat shall make an application orally or in writing to instituted. the Sarpanch or, in his absence, to such other member of the Nyaya Panchayat as the Sarpanch may have appointed for the purpose and shall at the same time pay the prescribed fees.

(2) Where the suit or case is instituted orally, the Sarpanch or other member shall without delay record the substance of the application in the prescribed register and obtain the signature or thumb impression of the applicant thereon.

Suits to include the whole claim.

- 82. (1) Every suit instituted before a Nyaya Panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to bring any suit within the jurisdiction of the Nyaya Panchayat.
- (2) If a plaintiff omits to sue in respect of or relinquishes any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

Limitation,

83. No suit shall be entertained by a Nyaya Panchayat after the expiration of one year from the time when the right to sue first accrued.

Complainant or plaintiff to attend next sitting of Nyaya Panchayat.

84. Every case or suit instituted shall be brought before the Nyaya Panchayat at its next sitting and the complainant or the plaintiff, as the case may be, shall, at the time of making the application, be informed of the time and place fixed for such sitting and directed to attend at that time and place.

Summons to be issued to accused or defendant.

85. The Nyaya Panchayat after hearing the application, shall cause a written summons in the prescribed form to be served on the accused or defendant, as the case may be, requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall, at the same time, direct the complainant or plaintiff to attend and produce his evidence at such time and place:

Provided that the Nyaya Panchayat may, after hearing the application and examining the complainant or the plaintiff, refuse to issue a summons and dismiss the complaint or suit, if it is satisfied that the case or suit is frivolous, vexatious or untrue.

Summons to witnesses.

- 86. (1) A Nyaya Panchayat may, if it considers the evidence of, or the production of document by, any person necessary in a case or suit, issue summons to such person requiring him to attend or to produce or cause the production of such document and such person shall be bound to comply with the directions contained in the summons.
- (2) A Nyaya Panchayat may refuse to summon a witness or to enforce a summons already issued against a witness where in its opinion the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances would be unreasonable.

Service of summons.

87. (1) Every summons shall be in duplicate, signed by the presiding member of the Nyaya Panchayat and be served in the manner prescribed.

- (2) If the defendant or accused is at the time of the issue of summons outside the Gram, the summons may be forwarded by the Nyaya Panchayat to the Assistant Commissioner who shall cause the summons to be served as if it were a summons from his own court.
- 88. (1) No pleader or vakil or advocate shall be permitted to appear Pleaders, on behalf of any party to any case or suit before a Nyaya Panchavat: etc., exclud-

ed from appearance.

Provided that any party to any such case or suit may be permitted. on reasonable cause being shown to the satisfaction of the Nyaya Panchayat, to employ any relation, servant, dependant or friend who is not, and who has not previously been, a pleader or vakil or an advocate to appear in lieu of such party.

- (2) When a relation, servant, dependant or friend appears in lieu of a party, he shall be furnished by such party with a written authority defining the extent to which he is empowered to act.
- 89. A Nyaya Panchayat may, from time to time, adjourn the hear- Adjourning of any case or suit:

Provided that such adjournment is, in its opinion, unavoidable or necessary for a just and equitable decision of the case or suit.

90. (1) If the complainant or plaintiff fails to appear, after having Disposal of been informed of the time and place fixed for the hearing, the Nyaya cases suits Panchayat may hear and decide the case or suit in his absence.

absence of party concerned.

(2) A Nyaya Panchayat may hear and decide a case or suit in the absence of the accused or the defendant, if a summons has been served upon him in the manner hereinbefore prescribed:

Provided that no sentence shall be passed by a Nyaya Panchayat on any accused unless he has appeared, either in person or by a representative, before the Nyaya Panchayat and the substance of his statement has been recorded in the prescribed register.

- (3) If, after the service of summons upon him, an accused fails to appear, either in person or by a representative, the Nyaya Panchayat may apply to the Sessions Judge who shall compel the accused to appear in person or by his representative before the Nyaya Panchavat as if he were a Court trying the case.
- (4) Where an accused person has, under sub-section (3), been compelled to appear before a Nyaya Panchayat, the Nyaya Panchayat shall forthwith take his statement and thereafter his attendance at the hearing of the case shall not be compulsory.

Compromise of suits and compounding of cases.

- 91. (1) Where it is proved to its satisfaction that a suit has been adjusted wholly or in part by any lawful agreement, compromise or satisfaction, the Nyaya Panchayat shall order such agreement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith, so far as it relates to the suit.
- (2) A Nyaya Panchayat may permit any case to be compounded: Provided that the offence is compoundable under the Code of Criminal Procedure, 1898.

5 of 1898.

Death of parties.

92. When any party to a suit dies before a decree has been passed, the suit shall abate but a fresh suit may be brought on the same cause of action and the period during which the suit was pending shall be excluded in computing the period of limitation for the fresh suit.

Decision on facts ascertained.

- 93. (1) It shall be the duty of a Nyaya Panchayat to ascertain the facts of the case or suit before it after holding an inquiry in accordance with the provisions of this Regulation and the rules made thereunder.
- (2) Nothing contained in any law relating to evidence or procedure shall affect the powers of a Nyaya Panchayat to hold such inquiry.
- (3) After holding such inquiry, a Nyaya Panchayat may pass such order or decree as may in its opinion seem just and equitable, and such order or decree shall state the finding and record a brief statement of the reasons therefor.

Decision by majority.

94. The decision of a Nyaya Panchayat shall be in accordance with the opinion of the members of the Nyaya Panchayat present at the sitting or of the majority of such members. If the members are equally divided, the person presiding shall have a second or casting vote.

Interest and instalments.

- 95. (1) In suits for money, a Nyaya Panchayat may, in its discretion, direct payment of interest on the sum decreed, at a rate not exceeding six per cent. per annum, from the date of the decree until the date of payment and of any fees which may be prescribed.
- (2) When a Nyaya Panchayat decrees the payment of a sum of money in a suit, it may direct that it be paid by instalments, without interest or with interest not exceeding the above rate.

Nyaya Panchayat not to revise or alter its decision.

- 96. (1) Except as provided in sub-section (2), a Nyaya Panchayat shall not have power to cancel, revise or alter any decree or order passed by it.
- (2) On application made within one month from the date of the decree or order of a Nyaya Panchayat, the Nyaya Panchayat may, for reasons to be recorded in writing, restore any suit which has been

dismissed for default or in which an ex parte decree has been passed against the defendant.

97. (1) On application made by any of the parties or on his own No appeal motion, the District Judge in a suit and the Sessions Judge in a case cree or may call for and examine the record or proceedings of a Nyaya Pan- order of chayat for the purpose of satisfying himself as to the legality or pro- Panchayat priety of any order or decree passed or as to the regularity of the pro- but revision lies. ceedings held by such Nyaya Panchayat.

- (2) If it shall appear to the District Judge or the Sessions Judge that the decree, order or proceedings so called for should be modified, cancelled or reversed, he may pass such order as he deems fit.
- (3) The period for filing an application by any of the parties under sub-section (1) shall be thirty days from the date of the decree or order.
- 98. (1) When any Nyaya Panchayat is of opinion that any suit or Reference case before it is of such nature, intricacy or importance that it Panchayat ought to be tried by a Court or that the accused in a case ought to District to receive a punishment different in kind from, or more severe than, Judge. that which such Nyaya Panchayat is empowered to inflict, it shall stay proceedings and refer the suit or the case to the District Judge or the Sessions Judge, as the case may be, for orders.

- (2) If the District Judge or the Sessions Judge is of opinion that a suit or case is of such nature, intricacy or importance that it ought not to be tried by the Nyaya Panchayat or that the accused in a case ought to receive a punishment different in kind from, or more severe than, that which such Nyaya Panchayat is empowered to inflict, such Judge shall pass orders directing the plaintiff or complainant to the civil or criminal court, as the case may be, competent to take cognizance of such suit or case.
- (3) If the District Judge or the Sessions Judge is of opinion that the suit or case is not of such nature, intricacy or importance that it ought to be tried by a Court, or that the accused in the case ought not to receive a punishment different in kind from, or more severe than, that which such Nyaya Panchayat is empowered to inflict, such Judge shall return the suit or case to the Nyaya Panchayat which made the reference for disposal.
- 99. (1) The Sessions Judge in any case or the District Judge in Sessions any suit may at any time, by order in writing, quash any proceedings District of a Nyaya Panchayat at any stage or cancel any order or decree Judge ma passed by the Nyaya Panchayat.

quash proceedings.

- (2) When an order has been passed by the District Judge under sub-section (1), in respect of any suit, the plaintiff may institute a fresh suit for the same relief in a civil court, and the period from the date of the institution of the suit before the Nyaya Panchayat to the date of such order shall be excluded in computing the period of limitation for the fresh suit.
- (3) When an order has been passed by the Sessions Judge under sub-section (1), in respect of any case, proceedings in respect of the same offence may be instituted in the court of a magistrate having jurisdiction.

Finality of orders and decrees.

100. Every order passed by a District Judge or a Sessions Judge under this Regulation shall be final and shall not be subject to appeal, revision or review.

Procedure in proceedings before the District judge.

101. Subject to the provisions of this Regulation, in regard to all proceedings under this Regulation, the Sessions Judge and the District Judge shall have the same powers and follow the same procedure as they respectively have and follow in regard to proceedings in connection with orders or decrees of courts subordinate to them in their ordinary jurisdiction.

Bar of jurisdiction of courts.

102. Save as otherwise provided, no court shall take cognizance of any offence or entertain any suit cognizable by the Nyaya Panchayat under this Regulation unless the Sessions or the District Judge has passed an order in writing under section 98 or 99.

Suits, etc., pending at expiry of term or dissolution of Nyaya Panchayat.

- 103. Where the term of a Nyaya Panchayat has expired or a Nyaya Panchayat is deemed to have been dissolved under section 53,—
 - (a) all cases and suits pending before the Nyaya Panchayat on the date of such expiry or dissolution shall,—
 - (i) if a new Nyaya Panchayat is constituted, be heard by it de novo, or
 - (ii) in other cases, be deemed to have been quashed under sub-section (1) of section 99 and the provisions of subsection (2) or sub-section (3), as the case may be, of that section shall apply thereto;
 - (b) all pending proceedings and applications for the recovery of fine or compensation in cases, or for the execution of decrees or orders in suits, shall be transferred to the competent court having jurisdiction to try the case or suit and such court

shall deal with the proceedings or applications as if the case or suit out of which the proceedings or applications grose had been heard and decided by such court.

104. If, on the application of a decree-holder or judgment-debtor, Satisfaction a Nyaya Panchayat after enquiry, finds that the decree has been or adjustsatisfied or adjusted, wholly or in part, the Nyava Panchavat shall decree to record the fact in the prescribed register.

105. (1) If, after a period of one month from the date of a decree, through the the decree remains unsatisfied or unadjusted, in whole or in part, Assistant the decree-holder may, within one year of the date of the decree, apply sioner to the Nyava Panchavat for execution.

- (2) On the application for execution, the Nyava Panchayat shall certify to the Assistant Commissioner that the decree remains unsatisfled or unadjusted, in whole or in part, and on receipt of such certificate the Assistant Commissioner shall.-
 - (a) if the decree is for money, proceed to recover it as if it were an arrear of land revenue; or
 - (b) if the decree is for any specified movable property, cause the decree to be executed as if it were a decree of a civil court and in so acting may exercise all the powers of a civil court.

106. If the amount of fine or compensation under this Regulation Mode of is not fully paid, the Nyaya Panchayat shall certify accordingly to the Assistant Commissioner and on receipt of such certification, the Assistant Commissioner shall proceed to recover it as if it were an arrear of land revenue and shall remit the amount so recovered to the Nyaya Panchayat.

107. As soon as the amount of fine or compensation referred to in rine or compensasection 106 is realised by the Nyaya Panchayat, the amount so realised tion when shall be entered in the prescribed register.

realised to be recorded.

108. Every Nyaya Panchayat shall submit its annual report to the Submission of annual Chief Commissioner in such form and before such date as may be report. prescribed.

CHAPTER X

MISCELLANEOUS

109. The Assistant Commissioner may authorise any of his officers Power of to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any Panchayat or any work in progress under its direction.

Bar of action against Panchayat, etc., and previous institution.

- 110. (1) No action shall lie against any member, officer, servant or agent of a Panchayat or a Nyaya Panchayat acting under its direction, in respect of anything done in good faith under this Regulation or any notice before rule or bye-law made thereunder.
 - (2) The provisions of the Judicial Officers' Protection Act, 1850 8 of 1850. shall apply to the members of the Nyaya Panchayat.
 - (3) No action shall be brought against any Panchayat or Nyaya Panchayat or any member, officer, servant or agent of such Panchayat or Nyaya Panchayat acting under its direction for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing has been left or delivered at the office of the Panchayat or Nyaya Panchayat and also at the residence of the member, officer, servant or agent thereof against whom the action is intended to be brought. The notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to bring the action.
 - (4) Every such action shall be commenced within six months after the accrual of the cause of action and not afterwards.

Members, etc., of Panchayat

111. Every member of a Panchayat or Nyaya Panchayat and every officer and servant maintained by or employed under a Panchayat or to be public a Nyaya Panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860

Members to refrain from taking part at sales.

112. No member of a Panchayat or other officer having any duty to perform in connection with any sale under this Regulation shall directly or indirectly bid for, or acquire any interest in, any property sold at such sale.

Delegation of powers.

113. The Chief Commissioner may, by notification in the Official Gazette, authorise the Deputy Commissioner to exercise in respect of Panchayats any of the powers which may be exercised by the Chief Commissioner under this Regulation.

Powers and duties of police in respect of offences and assistance to Panchayats.

114. Every police officer shall give immediate information to the Panchayat of an offence coming to his knowledge which has been committed against this Regulation or any rules made thereunder and shall assist all members and servants of the Panchayat and the Nyaya Panchayat in the exercise of their lawful authority.

Classification and preservation of records.

115. Every Panchayat and Nyaya Panchayat shall classify and preserve its records in the manner prescribed,

116. Every Panchayat and Nyaya Panchayat shall, on application Inspection made to it by any person interested, allow inspection of its records, of records. and grant certified copies thereof on payment of the prescribed fee.

7 of 1870.

- 117. The provisions of the Court-fees Act, 1870, shall not apply Court-fees to any proceedings before a Nyaya Panchayat. applicable.
- 118. If any difficulty arises in giving effect to the provisions of Removal of this Regulation, the Chief Commissioner may, by order, make such difficulties. provision as may appear to him to be necessary or expedient for removing the difficulty.
- 119. (1) The Chief Commissioner may, subject to the condition Power to of previous publication, by notification in the Official Gazette, make rules. rules to carry out the purposes of this Regulation.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-
 - (a) the preparation, revision and publication of the register of members of a Gram Sabha and the particulars which it shall contain:
 - (b) the meetings of the Gram Sabha and notice of such meetings:
 - (c) the disposal of the assets and liabilities of a Gram Sabha which ceases to exist:
 - (d) the division of Grams into wards, the preparation and publication of electoral rolls and the conduct of elections to the Panchayat;
 - (e) the form of application disputing elections and the procedure for holding inquiry into election disputes;
 - (f) the conduct of meetings of Panchayats and the procedure for moving resolutions and putting questions at meetings of Panchayats;
 - (q) the appointment, powers, duties and conditions of service of the Secretary and other officers and servants of a Panchayat;
 - (h) the appointment of committees and their powers and functions:
 - (i) the form of notices to be issued and the manner of their service:

- (j) the organisation of the village volunteer force and the fee that may be levied from residents for watch and ward services;
 - (k) the manner of holding inquiries;
- (l) the manner of filing appeals and the hearing of such appeals;
 - (m) the custody and investment of the Gram Fund;
- (n) the imposition and assessment of taxes and the realisation of taxes, fees and other dues;
- (o) the form of demand notices and the manner of their service:
- (p) the form of accounts to be maintained by Panchayats and of the annual budget estimates;
 - (q) the manner of audit of the accounts of Panchayats;
- (r) the rates of fees and the purposes for which fees may be levied by a Nyaya Panchayat;
 - (s) the powers, duties and functions of the judicial clerk;
 - (t) the form of summons and the manner of their service;
- (u) the registers and records to be maintained and the returns to be submitted by a Nyaya Panchayat and the particulars to be entered in such registers, records and returns;
- (v) the fees to be levied by Panchayats and Nyaya Panchayats for copies of documents and the procedure to be followed in furnishing such copies;
- (w) any other matter which has to be or may be prescribed.

Power to make byelaws.

- 120. (1) Subject to the provisions of this Regulation and the rules made thereunder, the Deputy Commissioner may frame byelaws—
 - (a) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health;
 - (b) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place;
 - (c) to prevent damage to public streets;

- (d) to regulate sanitation, conservancy and drainage in the area of the Gram;
- (e) to prohibit or regulate the use of public streets or other public places by shop-keepers;
- (f) to regulate the manner in which tanks, ponds and cess pools, pasture lands, play-grounds, manure pits, land for disposal for dead bodies and bathing places shall be maintained and used; and
- (g) to regulate such other duties or functions of the Gram Panchayat as may be directed by the Chief Commissioner.
- (2) Any bye-law made under sub-section (1) may provide that a contravention thereof shall be punishable with fine which may extend to rupees ten and in the case of a continuing contravention, with fine which may extend to rupees two for each day during which the contravention continues.

THE FIRST SCHEDULE

FORM OF OATH OF OFFICE

(See sections 22 and 57)

I,, having been elected a member of, Panchayat/Nyaya Panchayat do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour or affection or ill-will.

THE SECOND SCHEDULE

(See section 31)

Matters within the jurisdiction of Panchayats

- I. SANITATION AND PUBLIC HEALTH
- (1) Sanitation, conservancy, disposal of carcasses of dead animals.
- (2) Removal of rubbish and keeping the village in clean condition.
- (3) Maternity and Child Welfare.
- (4) Destruction of stray and ownerless dogs.
- (5) Supply of water for domestic use and for cattle.
- (6) Construction and maintenance of public latrines.

II. PUBLIC WORKS

- (1) Construction, repair and maintenance of village roads, drains, bridges, etc.
- (2) Lighting of village and planting of trees.
- (3) Establishment and maintenance of markets.

III. EDUCATION AND CULTURE

- (1) The spread, supervision and improvement of education.
- (2) The establishment of parks, akhadas, libraries, recreation centres for promotion of art and culture.

IV. VILLAGE DEFENCE

- (1) Watch and ward of the village, and of the crops therein.
- (2) Prevention of fire, rendering assistance in extinguishing fires and protecting life and property when fire occurs.

V. ADMINISTRATION

- (1) The numbering of premises.
- (2) The control of cattle pounds.
- (3) Establishment, maintenance and regulation of fairs.
- (4) Preparation of plans for the development of village.
- (5) Collection of land revenue.

VI. SOCIAL WELFARE

- (1) Relief to the crippled and the destitute.
- (2) Propagation of family planning.
- (3) Organising voluntary labour (sharamdan) for community works.
- (4) Opening of fair price shops.

VII. AGRICULTURE

- (1) Farming and implementing programmes for increased agricultural production.
- (2) Improvement of agriculture and establishment of model agricultural farms.
- (3) Promotion of co-operative farming.
- (4) Sinking of wells, and minor irrigation works.
- (5) Improvement of cattle breeding and general care of livestock.
- (6) Afforestation of waste land to prevent erosion.

THE THIRD SCHEDULE

(See section 68)

Offences triable by a Nyaya Panchayat

Under the Indian Penal Code, 1860

Section	Brief description
140	Wearing false uniforms
160	Affray.

Section	Brief description
172	Absconding to avoid service of summons or other proceeding.
174	Non-attendance in obedience to an order from public servant.
179	Refusing to answer public servant authorised to question
277	Fouling water of public spring or reservoir.
285	Negligent conduct with respect to fire or combustible matter.
289	Negligent conduct with respect to animals.
290	Public nuisance in cases not otherwise provided for.
294	Obscene acts and songs.
323	Voluntarily causing hurt.
334	Voluntarily causing hurt on provocation.
341	Wrongful restraint.
352	Assault or criminal force otherwise than on grave provo- cation.
357	Assault or criminal force in attempt wrongfully to confine a person.
358	Assault or criminal force on grave provocation.
374	Unlawful compulsory labour.
379	Theft where the value of the subject matter does not exceed Rs. 50.
403	Dishonest misappropriation of property where the value of the subject matter does not exceed Rs. 50.
411	Dishonestly receiving stolen property where the value of the subject matter does not exceed Rs. 50.
426	Mischief.
428	Mischief by killing or maiming cattle, etc., of any value or any animal of the value of ten rupees.
43 0	Mischief by injury to works of irrigation or wrongfully diverting public water.
447	Criminal trespass.
44 8	House-trespass.
504	Intentional insult with the intent to provoke breach of the peace.
506	Criminal intimidation.
509	Words, gesture, or act intended to insult the modesty of a woman.
510	Misconduct in public by a drunken person.

Section	Brief description			
	Under the Cattle Trespass Act, 1871			

- 24 Forcibly opposing the seizure of cattle or rescuing the same.
- 26 Causing damage by cattle to land and crop and public road?

Under this Regulation or the Rules and Bye-laws framed thereunder

Any offence under this Regulation or any rule or bye-law framed thereunder.

Under any other enactments

Any such compoundable offence as may by notification be declared by the Chief Commissioner to be cognizable by a Nyaya Panchayat.

THE FOURTH SCHEDULE

(See section 72)

OFFENCES AND MAXIMUM PENALTIES

- (a) Under the Indian Penal Code—for the offences specified in the Third Schedule, fine not exceeding Rs. 25.
- (b) Under the Cattle Trespass Act, 1871—for the offences specified in the Third Schedule, fine not exceeding Rs. 10.
- (c) Under this Regulation or the rules or bye-laws framed thereunder—fine not exceeding Rs. 10.

RAJENDRA PRASAD.

President.

R. C. S. SARKAR, Secy. to the Govt. of India.



EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 9] NEW DELHI, TUESDAY, MARCH 21, 1961/PHALGUNA 30, 1882

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 21st March, 1961/Phalguna 30, 1882 (Saka)

THE LACCADIVE. MINICOY AND AMINDIVI ISLANDS WEIGHTS AND MEASURES (ENFORCEMENT) REGULATION, 1961

No. 5 of 1961

Promulgated by the President in the Twelfth Year of the Republic of India.

A Regulation to provide for the enforcement of standard weights and measures and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him: -

CHAPTER I PRELIMINARY

- 1. (1) This Regulation may be called the Laccadive, Minicoy and Short title, Amindivi Islands Weights and Measures (Enforcement) Regulation, commence-1961.
- (2) It extends to the whole of the Union territory of the Laccadive, Minicov and Amindivi Islands.
- (3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Regulation or for different areas or for different classes of undertakings or for different classes of goods.
 - 2. In this Regulation, unless the context otherwise requires,—

Definitions.

- (a) "Administrator" means the Administrator of the Islands;
- (b) "commercial weight or measure" means a weight or measure purporting to be a standard weight or measure used in any transactions for trade or commerce;

89 of 1956.

- (c) "Controller" means the Controller of Weights and Measures appointed under section 15;
- (d) "Inspector" means an Inspector of Weights and Measures appointed under section 15;
- (e) "Islands" means the Union territory of the Laccadive, Minicov and Amindivi Islands;
- (f) "measuring instrument" means any measuring instrument other than a weighing instrument, and includes any instrument for measuring length, area, volume or capacity;
- (g) "Mint" means the mint of the Central Government either in Bombay or in Calcutta;
- (h) "prescribed" means prescribed by rules made under this Regulation;
- (i) "reference standards" means the sets of standard weights and measures supplied to the Administrator by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956;
- (j) "stamping" means marking in such manner as to be, so far as practicable, indelible, and includes casting, engraving, etching and branding;
- (k) "standard weight or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956, and includes any 89 of 1956. other weight or measure permitted to be used by the Central Government in pursuance of sub-section (1) of section 14 of the said Act:
- (1) "verification", with its grammatical variations, used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument, and also includes re-verification;
- (m) "weighing instrument" means any instrument for weighing, and includes scales with the weights belonging thereto, scale-beams, balances, spring balances, steel yards and other weighing machines.

CHAPTER II

STANDARD WEIGHTS AND MEASURES

Working standards.

- 3. (1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commerce, the Administrator may cause to be prepared as many sets of authenticated standard weights and measures as he may deem necessary to be called the working standards, and special sets of working standards in relation to bullion and precious stones may also be prepared.
- (2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.
- (3) The working standards shall be kept at such places, in such custody and in such manner as may be prescribed.

SEC. 1]

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals and in such manner as may be prescribed:

Provided that a special working standard in relation to bullion and precious stones shall be verified with the reference standard.

- (5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Regulation.
- (6) A working standard which has become defective shall not be deemed legal or be used for the purposes of this Regulation, until it has been verified and marked in the prescribed manner.
- 4. (1) For the purpose of verifying the correctness of the working Secondary standards, the Administrator may cause to be prepared at the standards. Mint as many sets of authenticated standard weights and measures as he may deem necessary to be called the secondary standards.
- (2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.
- (3) The secondary standards shall be kept at such places, in such custody and in such manner, as may be prescribed.
- (4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the Administrator may direct.
- (5) A secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Regulation.
- 5. The reference standards shall be kept at such places, in such Reference standards. custody and in such manner as the Administrator may direct.
- 6. (1) For the purpose of verifying the correctness of commercial Standard weights and measures and of weighing and measuring instruments weighing used in transactions for trade or commerce, the Administrator may and measurcause to be prepared as many sets of weighing and measuring instructus. ments as he may deem necessary.

- (2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner, as may be prescribed.
- (3) Such instruments shall be kept at all places where secondary standards or working standards are kept.
- 7. (1) Notwithstanding anything contained in any other law or Prohibition any custom, usage or practice, no unit of mass or measure, other of use of than the standard weights or measures, shall be used in any trans-weights action for trade or commerce or in any dealing or contract or for other than any work to be done or goods to be sold or delivered in any area or standard class of goods or undertakings in respect of which this Regulation weights and has come into force.

(2) Any custom, usage, practice or method of whatever nature. which permits in any trade a trader, seller or buyer to demand. receive or cause to be demanded or received any quantity of article in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said article has been made, shall be void.

(3) Any transaction, dealing or contract made or had after the expiry of three months from the commencement of this Regulation shall, in so far as it contravenes the provisions of sub-section (1), be

Power to prescribe use of weights only, or measures only, in certain cases.

- 8. (1) Notwithstanding anything contained in this Regulation, the Administrator may, by notification in the Official Gazette, direct that in any specified trade or class of trades no transaction, dealing or contract shall be made or had except by weight only or except by measure only.
- (2) A notification issued under this section shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER III

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES

Marking of denominations on commercial measures.

Every weight or measure manufactured for use as a commercial weight or measure shall bear the description of the weight or measure which it purports to be marked legibly on it in such manner weights and as may be prescribed.

Prohibition of sale of unstamped commercial weights and measures.

10. No commercial weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified in accordance with the rules made under this Regulation and stamped in the prescribed manner by an Inspector with a stamp of verifica-

Prohibition of use of unstamped commercial weights or messures.

11. No weight or measure or weighing or measuring instrument shall be used in transactions for trade or commerce unless it has been verified in accordance with the rules made under this Regulation and stamped in the prescribed manner by an Inspector with a stamp of verification.

Power to exempt.

12. Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9 or to be stamped under the provisions of section 10 or section 11, the Administrator may, by notification in the Official Gazette, exempt such weight or measure from being so marked or stamped.

Prohibition of manufacture, etc., of weights and measures without licence.

13. No person shall, in course of trade, manufacture, repair or sell any commercial weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a licence in this behalf from the Administrator or any officer authorised by him.

Marking of weights or measures on sealed containers.

14. No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container, unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein:

Provided that the provisions of this section shall not apply to an article sold, offered for sale, exposed for sale, or had in possession for sale, which is not ordinarily sold in transactions for trade or commerce by weight or measure.

15. (1) The Administrator may appoint a Controller of Weights Appointand Measures for the Islands and as many Assistant Controllers and ment of Controller, Inspectors of Weights and Measures as may be necessary for exerci-Assistant sing the powers and discharging the duties conferred or imposed on Controllers them by or under this Regulation.

pectors.

- (2) The Administrator may, by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed on Inspectors by or under this Regulation.
- (3) Subject to the provisions of this Regulation, all Assistant Controllers of Weights and Measures and Inspectors shall perform their functions under the general superintendence and control of the Controller; and the Controller and the Assistant Controllers Weights and Measures may, in addition to the powers and duties conferred or imposed on them by or under this Regulation, exercise any power or discharge any duty so conferred or imposed on Inspectors.
- 16. (1) Every Inspector shall, for the purpose of verification of Verification weights and measures and weighing and measuring instruments, and stampattend at such place and time within his jurisdiction as may be Inspectors. appointed in this behalf by the Controller.

- (2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification.
- (3) If, on such verification, the Inspector finds the weight or measure or weighing or measuring instrument correct and in con-89 of 1956. formity with the Standards of Weights and Measures Act, 1956, and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner; but, if on the other hand, he finds the weight or measure or weighing or measuring instrument incorrect and defective, he shall, subject to the provisions of section 18, refuse to stamp the same with a stamp of verification and obliterate the stamp thereon.

17. (1) An Inspector may, within the area under his jurisdiction, Power to inspect at all reasonable times, the weights, measures and weighing inspect, etc. and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a secondary or working. standard or weighing or measuring instrument prescribed for the

- (2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.
- (3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, measures, weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirement.
- (4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under

this Regulation appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

- (5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, the Inspector may break open the sealed package or container and verify its contents; and if, on such verification, the net weight or measure of the article is found to be correct, the inspector shall re-seal the package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand, the net weight or measure of article is found to be incorrect, the Inspector may seize and detain the package or container and the article contained therein.
- (6) For the purpose of such inspection, an Inspector may, at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept . for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

rower of Inspector to adjust weights and measures.

18. If any Inspector specially authorised by the Administrator in this behalf finds any weight or measure or weighing or measuring instrument defective and the defect is removable by adjustment, he may make such adjustment therein to bring it in conformity with the provisions of the Standards of Weights and Measures Act, 1956, and 89 of 1956. the rules made thereunder, and after such adjustment, he shall stamp the same with a stamp of verification in the prescribed manner.

Manufacturers, etc., to maintain records and documents,

- 19. (1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments, and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed and, if required so to do by an Inspector, shall produce such records and accounts before him.
- (2) Notwithstanding anything contained in sub-section (1), if the Administrator is of opinion that having regard to the nature of business carried on by any such manufacturer, repairer or dealer, it is necessary so to do, he may, by order, exempt such person or class of persons from the operation of that sub-section.

Appeals.

- **20**. (1) If an Inspector—
- (a) refuses to stamp any weight or measure or weighing or measuring instrument or obliterates the stamp thereon under sub-section (3) of section 16, or
- (b) seizes and detains any weight or measure or weighing or measuring instrument under sub-section (4) of section 17, or
- (c) seizes and detains any package or container or the article contained therein under sub-section (5) of section 17, or
 - (d) refuses to make any adjustment under section 18.

any person aggrieved by such refusal or seizure and detention may, within sixty days from the date of such refusal or seizure and detention, prefer an appeal to the Controller.

- (2) An appeal shall lie from every decision or order made by the Controller in pursuance of any power conferred on him by or under this Regulation [other than a decision made in appeal under subsection (1)], within sixty days from the date of such decision or order, to the Administrator or any officer specially authorised by the Administrator in this behalf.
- (3) On receipt of any such appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such inquiry as it deems proper, decide the appeal and the decision of the appellate authority shall be final.

21. The Administrator may charge such fees—

Levy of fees.

- (a) for the grant of licences under section 13 for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments, and
- (b) for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments,

as may be prescribed.

22. A weight or measure or weighing or measuring instrument, Validity of weights and duly stamped by an Inspector under this Regulation, shall be a legal measures weight or measure or weighing or measuring instrument in all places duly in which this Regulation has come into force unless it is found to be stamped. defective and shall not be liable to be re-stamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER IV

PENALTIES

23. Whoever, after the expiry of three months from the commence- Penalty for ment of this section, sells or causes to be sold or delivers or causes sale or deto be delivered in the course of any transaction for trade or commerce weight or any article by any denomination of weight or measure other than measure one of the standard weights or measures shall be punishable, for a other than first offence, with fine which may extend to two thousand rupees, and standard for a second or subsequent offence, with imprisonment for a period weight or which may extend to three months or with first and the control weight or measure. which may extend to three months, or with fine, or with both.

- 24. Whoever sells or delivers any commercial weight or measure Penalty for or any weighing or measuring instrument which has not been verified sale of unstamped or stamped in accordance with the provisions of this Regulation and commercial the rules made thereunder shall be punishable with fine which may weights and extend to two thousand rupees.

25. Whoever uses in any transaction for trade or commerce, or has Penalty for in his possession for such use, any commercial weight or measure or stamped any weighing or measuring instrument which has not been verified commercial or stamped in accordance with the provisions of this Regulation and weights and the rules made thereunder shall be punishable for a first offence, with measures. fine which may extend to two thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine, or with both.

Explanation 1.—When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent

shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2.—Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of the offence.

Penalty for manufacture of weights, etc., without licence. 26. If any person manufactures, repairs, or sells any commercial weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 13, he shall be punishable with imprisonment for a period which may extend to three months, or with fine, or with both.

Penalty for a use of weight or measure in contravention of section 8.

27. Whoever contravenes any of the provisions of a notification issued under section 8 shall be punishable with fine which may extend to two thousand rupees.

Penalty for failure to mark weight or measure on sealed containers.

Penalty for a contravenes the provisions of section 14 shall be failure to punishable with fine which may extend to two thousand rupees.

Penalty for fraudulent use of weights or measures,

29. Whoever fraudulently uses any standard weight or measure or weighing or measuring instrument which he knows to be false shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

Penalty for being in possession of false weight or measure, etc. 30. Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false, intending that the same may be fraudulently used, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

Pomalty for making or selling false weight or measure, etc. 31. Whoever makes, sells or disposes of or causes to be made, sold or disposed of, any standard weight or measure or weighing or measuring instrument which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

Penalty for giving short weight or measure.

32. Whoever in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, be punishable with fine which may extend to three hundred rupees.

Penalty for forging, etc., of weights, measures, etc. 33. (1) Whoever forges or counterfelts any stamp used under this Regulation for the stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfeit stamp, or removes a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument, or wilfully increases or diminishes a weight or measure so stamped, shall be

punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished shall be punishable with imprisonment for a period which may extend to six months or with fine, or with

34. Whoever—

(a) refuses or neglects to produce for inspection under sec-neglect or refusal to tion 17, any weight or measure or weighing or measuring instru-produce ment or any document or record relating thereto in his posses- weight or sion or on his premises, or

Penalty for etc., for

- (b) refuses to permit an Inspector to inspect and verify any inspection. such weight, measure, instrument, document or record, or
 - (c) obstructs the entry of an Inspector under section 17, or
- (d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Regulation,

shall be punishable with fine which may extend to five hundred rupces.

 If an Inspector knowingly stamps a weight or measure or Penalty weighing or measuring instrument in contravention of the provisions for breach of this Regulation or of the rules made thereunder, he shall be of duty by number of the property of the rules made thereunder, he shall be of duty by number of the property of the rules made thereunder, he shall be of duty by number of the rules made thereunder, he shall be of duty by number of the rules made thereunder, he shall be of duty by number of the rules made thereunder, he shall be of duty by number of the rules made thereunder, he shall be of duty by number of the rules made thereunder, he shall be of duty by number of the rules made thereunder, he shall be of duty by number of the rules made thereunder, he shall be of duty by number of the rules made thereunder, he shall be of duty by number of the rules made thereunder, he shall be of duty by number of the rules made thereunder, he shall be of duty by number of the rules made thereunder, he shall be of the rules made thereunder, he shall be of the rules made punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

CHAPTER V

Miscellaneous

36. No suit, prosecution or other legal proceeding shall lie against Protection the Controller, or any Assistant Controller of Weights and Measures of action or any Inspector or any other person appointed under this Regulation in respect of anything which is in good faith done or intended to be done in pursuance of this Regulation or rules made thereunder.

37. The Controller, every Assistant Controller and Inspector Controller, appointed under this Regulation shall be deemed to be a public etc., apservant within the meaning of section 21 of the Indian Penal Code. pointed under the

Regulation to be public

- 38. (1) The Administrator shall, by order, specify the courts by Cognizance which offences under this Regulation shall be tried in the Laccadive of offences, and Minicov Islands and in the Amindivi Islands.
- (2) No court shall take cognizance of an offence punishable under this Regulation except upon complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.
- 39. A weight or measure or weighing or measuring instrument Stamped duly stamped under the provisions of this Regulation and the rules weight, etc., made thereunder shall be presumed to be correct until its inaccuracy sumed to be is proved, if it is produced in any court by any Inspector having correct. charge thereof or by any person acting under the general or special authority of the Controller.

Offences by companies.

40. (1) If the person committing an offence under this Regulation is a company, the company as well as every person in-charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Regulation has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) "company" means any body corporate, and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

Delegation of powers.

41. The Administrator may, by notification in the Official Gazette, direct that any power exercisable by him under this Regulation or rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Administrator as may be specified in the notification.

Limits of error to be tolerated in weights and measures

- 42. Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956, in this behalf, the Administrator 89 of 1956, may prescribe the limits of error which may be tolerated,—
 - (a) in secondary standards referred to in section 4;
 - (b) in working standards referred to in section 3;
 - (c) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and
 - (d) in weighing and measuring instruments.

Power to make rules.

- 43. (1) The Administrator may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (a) the material of which and the designs and specifications according to which working standards may be made, the agency by which such standards may be prepared, the person by whom or the authority by which and the manner in which such standards may be stamped and authenticated; the places at which and the custody and manner in which such standards may be kept;

- (b) the procedure for the verification and marking of working standards, the persons by whom, the places at which and the intervals at which, they may be marked;
- (c) the material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;
- (d) the procedure for the verification and marking of secondary standards and the manner in which they may be marked;
- (e) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;
- (f) the material, form and specification, and manufacture and sale of commercial weights and measures and weighing and measuring instruments;
- (g) the manner in which commercial weights and measures may be marked by manufacturers;
- (h) the form and manner in which, and the conditions subject to which, licences may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;
- (i) the qualifications, functions and duties generally of Inspectors under this Regulation;
- (j) the verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be re-verified;
- (k) the inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce;
- (l) the seizure, detention and disposal of weights and measures which are not authorised by this Regulation;
- (m) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced;
- (n) the limits of error which may be tolerated in secondary or working standards;
- (o) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;
- (p) the limits of error which may be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades;
- (q) the form and manner in which appeals may be preferred against decisions of Inspectors and the procedure for hearing appeals;

- (τ) the fees which may be charged for the grant of licences under section 13 and for verification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same;
 - (s) any other matter which has to be, or may be, prescribed.
- (3) In making any rule under this section the Administrator may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.
- (4) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette.

RAJENDRA PRASAD,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.

The Gazette



of India

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 18] NEW DELHI, TUESDAY, APRIL 4, 1961/CHAITRA 14, 1883

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 4th April, 1961/Chaitra 14, 1883 (Saka)

THE ARMED FORCES (SPECIAL POWERS) CONTINUANCE REGULATION, 1961

No. 6 of 1961

Promulgated by the President in the Twelfth Year of the Republic of India.

A Regulation to continue the Armed Forces (Special Powers)
Regulation, 1958, for a further period.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Armed Forces (Special Powers) Continuance Regulation, 1961.

Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (4) of section 1 of the Armed Forces (Special Amendment Powers) Regulation, 1958, for the words "for a period of three years", of section 1. the words "for a period of four years" shall be substituted.

RAJENDRA PRASAD.

President.

R. C. S. SARKAR.

Secy. to the Govt. of India.

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2 of 1958.

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EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 34] NEW DELHI, WEDNESDAY, AUGUST 16, 1961/SRAVAN 25, 1883

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 16th August, 1961/Sravana 25, 1883 (Saka)

THE KOHIMA AND MOKOKCHUNG DISTRICTS (TRANSFER OF PRISONERS) REGULATION, 1961

Presidente

No. 7 of 1961

Promulgated by the President in the Twelfth Year of the Republic of India.

A Regulation to provide for the extension of the Transfer of Prisoners Act, 1050 to the Kohima and Mokokchung districts of Nagaland.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:

1. (1) This Regulation may be called the Kohima and Mokokchung Short Districts (Transfer of Prisoners) Regulation, 1961.

and commencement.

- (2) It shall come into force at once.
- 2. In this Regulation, "Kohima district" and "Mokokchung Definitions. district' mean the Kohima district and the Mokokchung district respectively, mentioned in the Naga Hills-Tuensang Area (Administration) Regulation, 1957.

6 of 1957.

Extension of 3. The Transfer of Prisoners Act, 1950, as in force in the territories Act 29 of to to which it generally extends, is hereby extended to, and Kohlma district and the Mokokchung district. to to which it generally extends, is hereby extended to, and shall be Mokokchung district.

S. RADHAKRISHNAN,

Vice-President, discharging the functions of the President.

R. C. S. SARKAR, Secy.



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EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 61 NEW DELHI, WEDNESDAY, DECEMBER 20, 1961 / AGRAHAYANA 29, 1883

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 20th December, 1961/Agrahayana 29, 1883 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS MOTOR VEHICLES TAX (AMENDMENT) REGULATION, 1961

No. 8 of 1961

Promulgated by the President in the Twelfth Year of the Republic of India.

A Regulation to amend the Andaman and Nicobar Islands Motor Vehicles Tax Regulation, 1940.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- 1. This Regulation may be called the Andaman and Nicobar Short title. Islands Motor Vehicles Tax (Amendment) Regulation, 1961.
- 2. In sub-section (2) of section 1 of the Andaman and Nicobar Amendment of 1940. Islands Motor Vehicles Tax Regulation, 1940 (hereinafter referred of section to as the principal Regulation), for the word "State", the words "whole of the Union territory" shall be substituted.
 - **3.** In sub-section (3) of section 4 of the principal Regulation—

(a) after the words "in advance", the words "before the 4-expiry of fifteen days from the commencement of the year" shall be inserted;

Amendment of section

(b) in the proviso, the following words shall be added at the end, namely:—

"and in any such case, the tax shall be payable before the expiry of fifteen days from the commencement of the quarterly period".

S. RADHAKRISHNAN, Vice-President discharging the functions of President.

> R. C. S. SARKAR, Secy. to the Govt. of India.



EXTRAORDINARY PART II—Section 1., PUBLISHED BY AUTHORITY

No. 2] NEW DELHI, THURSDAY, JANUARY 25, 1962/MAGHA 5, 1883 (Saka)

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 25th January, 1962/Magha 5, 1883 (Saka)

THE NORTH EAST FRONTIER AGENCY (ELEPHANTS' PRESERVATION) REGULATION, 1962

No. 1 of 1962

Promulgated by the President in the Twelfth Year of the Republic of India.

A Regulation to provide for the extension of the Elephants' Preservation Act, 1879, to the North East Frontier Agency.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the North East Frontier Short Agency (Elephants' Preservation) Regulation, 1962.

Short title and commencement.

- (2) It shall come into force at once.
- 2. In this Regulation,—

Definitions.

- (a) "Division" means any of the Frontier Divisions referred to in section 2 of the North East Frontier Areas (Administration) Regulation, 1954;
- (b) "North East Frontier Agency' means the North East Frontier Agency referred to in the said Regulation.

1 of 1954.

Batension of Act 6 of 1879 to North East Frontier Agency. 3. The Elephants' Preservation Act, 1879, as in force in the terri- 6 of 1879. tories to which it generally extends, is hereby extended to, and shall be in force in, the North East Frontier Agency, subject to the modifications mentioned in the Schedule.

Repeal.

4. On the commencement of this Regulation, Notifications Nos. 5459 P, 5463 P and 5467 P, dated the 13th October, 1914, issued by the then Chief Commissioner of Assam, in so far as they relate to the Elephants' Preservation Act, 1879, shall cease to have effect in ⁶ of 1879, the North East Frontier Agency.

THE SCHEDULE

(See section 3)

- 1. In section 5, the reference to the Collector or Deputy Commissioner of any district shall be construed as a reference to the Political Officer or the Additional Political Officer of a Division.
- 2. In section 10, for the words "as if it were an arrear of land-revenue", the words, figures and brackets "as a public demand under the Bengal Public Demands Recovery Act, 1913 (Bengal Act No. III of 1913)" shall be substituted.

RAJENDRA PRASAD,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.



EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

NEW DELHI, THURSDAY, MARCH 1, 1962/PHALGUNA 10, 1883 No. 3]

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 1st March, 1962/Phalguna 10, 1883 (Saka)

THE NORTH-EAST FRONTIER AGENCY (CRIMINAL LAW AMENDMENT) REGULATION, 1062

No. 2 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to provide for the amendment of the Criminal Law Amendment Act, 1952, in its application to the North-East Frontier Agency.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him: -

- 1. (1) This Regulation may be called the North-East Frontier Short title Agency (Criminal Law Amendment) Regulation, 1962.
 - and commencement.

- (2) It shall come into force at once.
- 2. In this Regulation, the expression "North-East Frontier Agency" Definition. shall have the meaning assigned to it in the North-East Frontier Areas (Administration) Regulation, 1954.

Amendment of section 6.

- 3. In the Criminal Law Amendment Act, 1952, as applicable to 46 of 1952. the North-East Frontier Agency (hereinafter referred to as the principal Act), for sub-section (2) of section 6, the following subsection shall be substituted, namely:—
 - "(2) A person shall not be qualified for appointment as a special judge under this Act unless he is or has been—
 - (a) a sessions judge or an additional sessions judge or an assistant sessions judge under the Code of Criminal Procedure, 1893, or
 - 5 of 1898.
 - (b) a Judicial Officer, North-East Frontier Agency.".

Construction of references to Code of Criminal Procedure.

4. In the principal Act, except in section 9, references to the Code of Criminal Procedure, 1898, shall be construed as references to the 5 of 1898. corresponding law for the time being in force in the North-East Frontier Agency.

RAJENDRA PRASAD,

President.

THE NAGALAND (CRIMINAL LAW AMENDMENT) REGULATION, 1962

No. 3 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to provide for the amendment of the Criminal Law Amendment Act, 1952, in its application to Nagaland.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

Short title and commence-ment.

- 1. (1) This Regulation may be called the Nagaland (Criminal Law Amendment) Regulation, 1962.
 - (2) It shall come into force at once.

2. In this Regulation, the expression "Nagaland" shall have the Definition meaning assigned to it in the Nagaland (Transitional Provisions)
Regulation, 1961.

2 of 1961.

- 3. In the Criminal Law Amendment Act, 1952 (hereinafter Amendment of section 6. referred to as the principal Act), as applicable to Nagaland, for subsection (2) of section 6, the following sub-section shall be substituted, namely:—
 - "(2) A person shall not be qualified for appointment as a special judge under this Act unless he is or has been—
 - (a) a sessions judge or an additional sessions judge or an assistant sessions judge under the Code of Criminal Procedure, 1898, or

5 of 1898.

(b) a Judicial Officer, Nagaland.

4. In the principal Act, in its application to the Tuensang district, Construction of references references to the Code of Criminal Procedure, 1898, except in section to Code of 9, shall be construed as references to the corresponding law for the Criminal Procedure. time being in force in that district.

RAJENDRA PRASAD,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.

The Gazette



of India

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 21 NEW DELHI, WEDNESDAY, APRIL 4, 1962/CHAITRA 14, 1884

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 4th April, 1962/Chaitra 14, 1884 (Saka)

THE ARMED FORCES (SPECIAL POWERS) CONTINUANCE REGULATION, 1962

No. 4 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India

A Regulation to continue the Armed Forces (Special Powers)
Regulation, 1958, for a further period.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- 1. (1) This Regulation may be called the Armed Forces (Special Short tite Powers) Continuance Regulation, 1962.
 - (2) It shall come into force at once.
- 2. In sub-section (4) of section 1 of the Armed Forces (Special Amendment Powers) Regulation, 1958, for the words "for a period of four years", of section 1. the words "for a period of five years" shall be substituted.

RAJENDRA PRASAD,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.

(91)

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EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

NEW DELHI, WEDNESDAY, APRIL 11, 1962/CHAITRA 21, 1884 No. 231

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 11th April, 1962/Chaitra 21, 1884 (Saka)

THE NAGALAND SECURITY REGULATION, 1962 No. 5 OF 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to make special provision for the maintenance of public order by the suppression of subversive activities endangering the safety or security of Nagaland, for the maintenance of supplies and services essential to the life of the community and for the control of possession and disposal of certain articles in Nagaland and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him: -

CHAPTER I PRELIMINARY

- 1. (I) This Regulation may be called the Nagaland Security Short title Regulation, 1962. extent and commencement.
 - (2) It extends to the whole of Nagaland.
 - (3) It shall come into force at once.
 - 2. In this Regulation, unless the context otherwise requires,— Definitions.
 - (1) "controlled article" means olive green cloth, jungle boots, torch, type-writer, duplicator, radio set or such other article as may be declared by the Governor by notification as being likely to be used by goondas for endangering the safety or security of Nagaland:

(93)

- (2) "Deputy Commissioner" includes an additional Deputy Commissioner:
- (3) "essential commodity" means food, water, fuel, light or power, and includes such other things as may be declared by the Governor by notification to be essential for the life of the community:
 - (4) "goonda" includes a hooligan or other rough:
 - (5) "Governor" means the Governor of Assam:
- (6) "magistrate" means any person empowered to exercise the powers of a magistrate, as defined in the Code of Criminal Procedure, 1898;

 5 of 1898.
- (7) "notified" and "notification" mean notified and notification respectively in the Official Gazette;
- (8) "prescribed" means prescribed by any order or rule made under this Regulation;
- (9) "protected area" means an area declared under section 4 to be a protected area;
- (10) "protected place" means a place declared under section 3 to be a protected place;
- (11) "public servant" includes any public servant as defined in section 21 of the Indian Penal Code and any employee of any 45 of 1860. local authority or railway administration and any person engaged in any employment or class of employment which the Governor may, from time to time, declare by notification to be employment or class of employment essential to the life of the community;
- (12) "subversive act" means any act which is intended or is likely—
 - (a) to endanger the safety or security of Nagaland;
 - (b) to organise, further or help the illegal acquisition, possession or use of—
 - (i) arms, ammunition or military stores as defined in the Indian Arms Act, 1878,
 - (ii) explosive substances as defined in the Explosive Substances Act, 1908, 6 of 1908.
 - (iii) corrosive substances;
 - (c) to further the activities of goondas;
 - (d) to prejudice the recruiting of, or the attendance of persons for service in, any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants or to tamper with the loyalty of such persons;

- (e) to impede, delay or restrict—
 - (i) any work or operation, or
- (ii) any means of transport or locomotion, necessary for the production, procurement, supply or distribution of any essential commodity except in furtherance of an industrial dispute as defined in the Industrial Disputes Act, 1947;

14 of 1947.

Explanation—(i) Acts bona fide indicating disapprobation of the policy or measures of the Government with a view to obtaining their alteration by lawful means shall not be deemed to be acts which are intended or are likely to endanger the safety or security of the Nagaland.

14 of 1947.

- (ii) An illegal strike or an illegal lock-out, as defined in section 24 of the Industrial Disputes Act, 1947, shall not be deemed to be an act in furtherance of an industrial dispute for the purposes of sub-clause (e).
- (iii) The illegal acquisition, storage or movement of an essential commodity shall be deemed, for the purposes of subclause (e), to be an act which is intended and is likely to impede, delay and restrict the operation necessary for the procurement, supply and distribution of such commodity.

CHAPTER II

Access to certain places and areas

- 3. (1) If as respects any place or class of places the Governor Protected considers it necessary or expedient in the public interest or in the places. interest of the safety and security of such place or class of places that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare that place, or, as the case may be, every place of that class to be a protected place; and thereupon, for so long as the order is in force, such place or every place of such class, as the case may be, shall be a protected place for the purposes of this Regulation.
- (2) No person shall, without the permission of the Governor or of any person in authority connected with the protected place duly authorised by the Governor in this behalf or of the Deputy Commissioner having jurisdiction, enter, or be on or in, or pass over, any protected place and no person shall loiter in the vicinity of any such place.
- (3) Where in pursuance of sub-section (2) any person is granted permission to enter, or to be on or in, or to pass over, a protected place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by the authority which granted the permission.

(4) Any police officer, or any other person authorised in this behalf by the Governor, may search any person entering, or seeking to enter, or being on or in, or leaving, a protected place and any vehicle, animal or article brought in by such person and may, for the purpose of the search, detain such person, vehicle, animal or article:

Provided that no woman shall be searched in pursuance of this sub-section except by a woman.

- (5) If any person is in a protected place in contravention of any provision of this section, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the Governor.
- (6) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Prote ted

- 4. (1) If the Governor considers it necessary or expedient in the public interest or in the interest of the safety and security of any area to regulate the entry of persons into that area, he may, without prejudice to any other provisions of this Regulation, by order declare the area to be a protected area; and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of this Regulation.
- (2) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-section (1), no person who was not immediately before the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a written permit granted to him by an authority or person specified in the said order.
- (3) Any police officer, or any other person authorised in this behalf by the Governor, may search any person entering or seeking to enter, or being on or in, or leaving, a protected area, and any vehicle, animal or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, animal or article:

Provided that no woman shall be searched in pursuance of this sub-section except by a woman.

(4) If any person is in a protected area in contravention of any provision of this section, then, without prejudice to any other proceedings which may be taken against him, he may be removed

therefrom by or under the direction of any police officer on duty in the protected area or by any other person authorised in this behalf by the Governor.

- (5) If any person is in a protected area in contravention of any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.
- 5. Any person who effects or attempts to effect entry into a Forcing or protected place or protected area—

 a Forcing or evading a guard.
 - (a) by using, or threatening to use, criminal force to any person posted for the purpose of protecting, or preventing or controlling access to, such place or area, or
 - (b) after taking precautions to conceal his entry or attempted entry from any such person,

shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

CHAPTER III

PUBLIC SAFETY AND ORDER

- 6. (1) No person shall do any act with intent to injuriously Sabotage affect, whether by impairing the efficiency or impeding the working of anything or in any other manner whatsoever, or to cause damage to—
 - (a) any building, vehicle, machinery, apparatus or other property used or intended to be used, for the purposes of Government or of any local authority;

9 of 1890.

Beng. Act 7 of 1923.

22 of 1934.

13 of 1885.

- (b) any railway as defined in the Indian Railways Act, 1890, aerial ropeway as defined in the Bengal Aerial Ropeways Act, 1923, road, canal, canal embankments, protective bunds, sluicegates, lock-gates, bridge, culvert, causeway, aerodrome as defined in the Indian Aircraft Act, 1934, air-field, air-strip or any installation thereon or any telegraph line or post as defined in the Indian Telegraph Act, 1885;
 - (c) any rolling-stock of a railway or aircraft;
- (d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory;

(e) any prohibited place as defined in clause (8) of section 2 of the Indian Official Secrets Act, 1923.

19 of 1924.

- (2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty imposed on him by any law or an order of any competent authority to do, as they apply to the doing of any act by a person.
- (3) If any person contravenes any provision of this section, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for subversive acts.

7. If any person commits any subversive act, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

Punishment suspicious circumstances.

8. Any person who carries on his person or knowingly has in his for carrying possession or under his control any arms, ammunition or military arms, etc., in stores as defined in the Indian Arms Act, 1878, or any corrosive 11 of 1878. substance, in such manner or under such circumstances as to give rise to a reasonable suspicion that he does not carry any such article or substance on his person or have it in his possession or under his control for a lawful object, shall, unless he can show that he was carrying it on his person or that he had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to fourteen years, to which fine may be added.

Definition of looting.

- 9. Whoever commits dacoity, robbery, theft, or theft in a building or vehicle or criminal misappropriation, if the commission of such offence takes place-
 - (a) during a riot or any disturbance of the public peace at or in the neighbourhood of the riot, or the place at which such disturbance of the public peace occurs, or
 - (b) in any area in which a riot or disturbance of the public peace has occurred and before law and order has been completely restored in such area, or
 - (c) in circumstances such that a person whose property is stolen or criminally misappropriated is not, as a consequence of rioting or any other disturbance of the public peace, present or able to protect such property,

is said to commit the act of looting.

Use of force to stop looting.

10. Any police officer or any other person authorised in this behalf by the Governor may use such force as may be necessary even to the causing of death in order to stop the commission of the act of looting within his view.

- 11. (1) For the maintenance of public order or on grounds of Curfew. public security or for the prevention of smuggling, the Deputy Commissioner may, subject to the control of the Governor, by order direct that, subject to any exemption specified in the order, no person present within any area or areas specified in the order shall, between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by a specified authority or person.
- (2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.
- (3) Any police officer may arrest without warrant any person who is reasonably suspected of having committed, or of committing, a contravention of any order made under sub-section (1).
- 12. (1) If, in the opinion of the Governor it is necessary or expe-Control of dient so to do for preventing or suppressing subversive acts or for of commomaintaining supplies and services essential to the life of the com-cles or munity, he may, by general or special order, prohibit or restrict the things. movement of any commodity, article or thing (including any vehicle, aircraft or animal), either generally or between any particular places or on any particular route.

- (2) Every order made under sub-section (1) shall remain in force for such period not exceeding three months at any one time as may be specified in the order.
- (3) If any person contravenes any order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both and the court trying the offence shall order that the commodity, article or thing (including any vehicle, aircraft or animal) in respect of which the offence has been committed shall be forfeited to the State.
- 13. (1) If the Governor is satisfied that the wearing in public of Unofficial any dress or article of apparel resembling any uniform or part of a uniform. uniform required to be worn by a member of the Armed Forces or by a member of any Police Force or of any force constituted under any law for the time being in force would be likely to prejudice the public safety or the maintenance of public order, the Governor may, by general or special order, prohibit or restrict the wearing in public of any such dress or article of apparel.

- (2) For the purposes of this section, a dress or an article of apparel shall be deemed to be worn in public if it is worn so as to be visible to a person in any place to which the public have access.
- (3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

CHAPTER IV

ACQUISITION, POSSESSION, MANUFACTURE, SALE, IMPORT, EXPORT AND TRANSPORT OF CONTROLLED ARTICLES

Unlicensed possession, sale and disposal of controlled article prohibited.

- 14. No person shall—
- (a) acquire, have in his possession or under his control or carry; or
 - (b) manufacture, sell, transfer, convert or repair; or
- (c) expose or offer for sale or transfer, or have in his possession for sale or transfer;

any controlled article except under a licence and in the manner and to the extent permitted by such licence.

Unlicensed importation and exportation prohibited. 15. No person shall bring into, or take out of, Nagaland by land or air any controlled article except under a licence and in the manner and to the extent permitted by such licence.

Power to restrict or prohibit transport.

- 16. The Governor may, from time to time, by notification—
- (a) direct that no person shall transport over Nagaland or any part thereof such controlled article as may be specified in the notification unless he holds in this behalf a licence issued under this Regulation; or
 - (b) prohibit such transport altogether; or
 - (c) modify, alter or rescind any such notification.

Power to establish searching stations. 17. The Governor may, at any place along the boundary line of Nagaland and at such distance within such line as he deems expedient, establish or cause to be established searching posts at which all persons, vehicles, carts and baggage-animals and all boxes, bales and packages in transit may be stopped and searched for controlled article by any officer empowered by the Governor in this behalf by name or by virtue of his office.

18. When any person is found carrying or conveying any control- Arrest of led article, whether covered by any licence or not, in such manner conveying or under such circumstances as to afford just grounds of suspicion controlled article unthat the same is being carried or conveyed by him with intent to use der suspiciit, or that the same may be used, for any unlawful purpose, any ous circumstances. person authorised by the Governor in this behalf by name or by virtue of his office may arrest him without warrant and seize from him such controlled article.

19. (1) Any person having in his possession any controlled article Controlled the possession whereof has, in consequence of the cancellation or to be depoexpiry or suspension of a licence or by any reason whatsoever, ceased sited in to be lawful, shall without unnecessary delay deposit the same either with the officer in charge of the nearest police station or with such other officer as may be prescribed by rules made by the Governor in this behalf.

- (2) When any controlled article has been deposited under subsection (1), the Governor may authorise the disposal of the same by sale or otherwise and the proceeds thereof shall be refunded to the owner of the said article, provided that nothing in this sub-section shall be deemed to authorise the disposal of anything the forfeiture of which has been ordered under section 12 or section 24.
- 20. Any licence granted under this Regulation may be modified, Cancellation and suspenaltered; varied, cancelled or suspended by the authority by whom sion of the same was granted or by any authority to which he may be subordinate, if such authority deems it necessary so to do for the security of the public peace or for public safety.

21. Whoever—

Penalties.

- (a) (i) acquires, has in his possession or under his control or carries, or
 - (ii) manufactures, sells, transfers, converts or repairs, or
- (iii) exposes or offers for sale or transfer, or has in his possession for sale or transfer,
- any controlled article in contravention of section 14; or
- (b) brings into, or takes out of, Nagaland by land or air any controlled article in contravention of section 15; or
- (c) transports over Nagaland or any part thereof any controlled article in contravention of section 16; or
- (d) is found carrying or conveying any controlled article. whether covered by any licence or not, in such manner or under

such circumstances as to afford just grounds of suspicion that the same is being carried or conveyed by him with intent to use it, or that the same may be used, for any unlawful purpose; or

- (e) fails to deposit any controlled article, as required by sub-section (1) of section 19; or
- (f) intentionally makes any false entry in a record or account which by a rule made under clause (d) of sub-section (2) of section 41, he is required to maintain; or
- (g) intentionally fails to exhibit anything which, by a rule made under clause (d) or clause (e) of sub-section (2) of section 41, he is required to exhibit,—

shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

Penalty for breach of licence. 22. Whoever contravenes any condition of a licence granted under this Regulation for which no punishment is provided elsewhere under this Regulation shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Penalty for knowingly purchasing controlled articles from unlicensed persons.

23. Whoever—

- (a) knowingly purchases any controlled article from any person not licensed under this Regulation to sell the same; or
- (b) delivers any controlled article into the possession of any person without previously ascertaining that such person is legally authorised to possess the same,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Power to confiscate.

24. When any person is convicted under this Regulation of any offence in respect of any controlled article, it shall be in the discretion of the convicting court or magistrate further to direct that the article and any vehicle, or other means of conveyance and any box, receptacle or thing containing, or used to conceal, the article shall be confiscated.

Search and scizure by magistrate.

- 25. (1) Whenever any magistrate has reason to believe—
 - (a) that any person residing within the local limits of his jurisdiction has in his possession any controlled article for any unlawful purpose, or

(b) that such person cannot be left in the possession of any such controlled article without danger to the public peace or safety.

the magistrate, after having recorded the reasons for his belief, may cause a search to be made of the house or premises occupied by such person or in which such magistrate has reason to believe that such controlled article is to be found, and may have such article, if any, seized and detain the same in safe custody for such period as he thinks necessary, although that person may be entitled by virtue of this Regulation or any other law for the time being in force to have the same in possession.

- (2) Every search under this section shall be conducted by, or in the presence of, a magistrate or some officer specially empowered in this behalf by name or by virtue of his office by the Governor.
- 26. Where any controlled article in respect of which any offence Criminal under this Regulation has been or is being committed, is found in any of persons premises, vehicle or other place in the joint occupation or under the in occupajoint control of several persons, each of such persons in respect of miscs in cerwhom there is reason to believe that he was aware of the existence of the controlled article in the premises, vehicle or other place shall. unless the contrary is proved, be liable for that offence in the same manner as if the offence has been or is being committed by him alone.

27. (1) The Governor may, from time to time, by notification, Power to direct a census to be taken of all controlled articles in any area and take census empower any officer of Government to take such census.

of controlled

- (2) On the issue of any such notification all persons having in their possession any controlled article in that area shall furnish to the officer concerned such information as he may require in relation thereto and shall produce before him such controlled article if he so requires.
- (3) Any person refusing or neglecting to produce any such controlled article when so required shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

CHAPTER V

REQUISITIONING OF PROPERTY

28. (1) If in the opinion of the Governor it is necessary or expe-Power to dient so to do for preventing or suppressing subversive acts or for property. maintaining supplies and services essential to the life of the community or for rehabilitating persons displaced from their residence.

lands or shops due to disturbed conditions, he may by order in writing requisition any property, movable or immovable, and may make such further orders as appear to him to be necessary or expedient in connection with the requisitioning:

Provided that no place or premises used for the purpose of religious worship shall be requisitioned under this section.

- (2) The Governor may use or deal with any property requisitioned under sub-section (1) in such manner as may appear to him to be expedient.
- (3) The Central Government shall pay compensation for any property requisitioned under sub-section (1), and the principles according to which and the manner in which such compensation is to be determined and given shall be as follows:—
 - (a) where the amount of compensation can be fixed by agreement, it shall be paid within three months in accordance with such agreement;
 - (b) where no such agreement can be reached, the amount of compensation shall be such as an arbitrator appointed in this behalf by the Governor may award:

Provided that in the case of immovable property, the arbitrator shall be the Judicial Officer, Nagaland;

- (c) in awarding the amount of compensation, the arbitrator shall have regard to the pecuniary loss attributable to the requisition and to any other circumstances which he considers to be just and proper;
- (d) in the case of immovable property, the Governor may, in any particular case, nominate a person having expert know-ledge as to the nature of the property requisitioned to assist the arbitrator and where such nomination is made, the person to be compensated may also nominate another person for the said purpose;
- (e) an appeal shall lie to the High Court against an award of the arbitrator except in cases where the amount of compensation awarded does not exceed five thousand rupees in lump or, in the case of an amount payable periodically, two hundred and fifty rupees per month;
- (f) the amount awarded as compensation by the arbitrator or ordered to be paid by the High Court on appeal under clause (e) shall be paid within three months of the date of the award made by the arbitrator or, as the case may be, the date of the order of the High Court:

- (g) save as provided in this sub-section and in any rules made under section 41, nothing in any other law for the time being in force shall apply to an arbitration under this sub-section.
- (4) Where any immovable property requisitioned under subsection (1) is to be released from requisition, the Governor may, after making such enquiry, if any, as he considers necessary, specify by order in writing the person who appears to him to be entitled to the possession of such property.
- (5) The delivery of possession of the immovable property requisitioned under sub-section (1) to the person specified in an order made under sub-section (4) shall be a full discharge of the Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of such property which any other person may be entitled by due process of law to enforce against the person to whom possession of such property is so delivered.
- (6) Where the person to whom possession of any immovable property requisitioned under sub-section (1) is to be given cannot be found or is not readily ascertainable or has no agent or other person empowered to accept delivery on his behalf, the Governor shall cause a notice declaring that such property is released from requisition to be affixed on some conspicuous part of such property and publish the notice in the Official Gazette.
- (7) When a notice referred to in sub-section (6) is published in the Official Gazette, the immovable property specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Government shall not be liable for any compensation or other claim in respect of such property for any period after the said date.
- (8) Where any immovable property requisitioned under subsection (1) is released from requisition, compensation shall also be paid in respect of any damage done during the period of requisition to such property other than what may have been sustained by normal wear and tear or by natural causes, and where the amount of such compensation cannot be fixed by agreement, the matter shall be referred to an arbitrator and thereupon the provisions of sub-section (3) which are applicable to immovable property shall, as far as may be, apply.
- (9) The Governor may, with a view to requisitioning any property under sub-section (1), by order—
 - (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified;

- (b) direct that the owner, occupier, or person in possession of the property shall not without the permission of the Governor dispose of it or, where the property is a building, structurally alter it or, where the property is movable, remove it from the premises in which it is kept, till the expiry of such reasonable period as may be specified in the order.
- (10) Without prejudice to any powers otherwise conferred by this Regulation, any person authorised in this behalf by the Governor may enter any premises between sunrise and sunset and inspect such premises and any property therein or thereon for the purpose of determining whether, and if so, in what manner, an order under this section should be made in relation to such premises or property, or with a view to securing compliance with any order made under this section.
- (11) (a) The Governor may, at any time by order in writing, require the owner of any immovable property requisitioned under sub-section (1) to execute such repairs therein as he deems necessary and within such time as he may specify in the order.
- (b) If the owner fails to execute or complete such repairs within the time specified, the Governor may cause such repairs to be executed or completed and the cost thereof shall be recoverable from the owner as if it were an arrear of land revenue.
- (c) The Governor may, without prejudice to any other mode of recovery, deduct the cost referred to in clause (b) or any part thereof from the compensation payable to the owner under sub-section (3).
- (12) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

CHAPTER VI

MISCELLANEOUS PROVISIONS

Power to obtain information. 29. (1) Without prejudice to any special provisions contained in this Regulation, the Governor may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information, or an article which the Governor considers

it necessary or expedient in the interest of the prevention or suppression of subversive acts to obtain or examine:

Provided that—

- (i) no editor, printer or publisher of a newspaper shall be required to furnish or produce any such information or article in respect of any matter published in such newspaper, and
- (ii) no person shall be required to furnish or produce any information or article which, under the provisions of the Indian Evidence Act, 1872, he cannot be compelled to furnish, or produce.
- (2) No information furnished in pursuance of an order of the Governor under sub-section (1) shall be used in any prosecution against the person by whom the information has been furnished.
- (3) If any person fails to furnish or produce any information or article in compliance with an order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.
- 30. If any person, when required by or under any of the provi- False statesions of this Regulation to make any statement on furnish any infan mation, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true in any material particular, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

31. (1) Save as otherwise expressly provided in this Regulation, Publication every authority, officer or person who makes any order in writing in of notices. pursuance of any provision thereof shall publish or serve or cause to be served notice of such order in such manner as may be prescribed by rules made in this behalf.

- (2) Where this Regulation empowers an authority, officer, person to take action by notified order, the provisions of sub-section (1) shall not apply in relation to such order.
- (3) If in the course of any judicial proceedings, a question arises whether a person was duly informed of an order made in pursuance of any provision of this Regulation, compliance with sub-section (1), or in a case to which sub-section (2) applies, the notification of the order, shall be conclusive proof that he was so informed, but a failure to comply with sub-section (1)—
 - (i) shall not preclude proof by other means that he had information of the order; and
 - (ii) shall not affect the validity of the order.

I of 1872.

Attempts, etc., to contravene the provisions of the Regulation.

32. Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to a contravention of, any of the provisions of this Regulation or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order.

Special provision for searches.

33. (1) In any area in which the Governor, as a consequence of apprehended danger to the public in such area, notifies in the Official Gazette in this behalf, any police officer or any person authorised by the Governor in this behalf may in any road, street, alley, public place, or open space, stop and search any person in such area for the purpose of ascertaining whether such person is carrying, in contravention of any law for the time being in force, any explosive or corrosive substance or any weapon of offence or any article which may be used as a weapon of offence and may selze any such substance together with its container, if any, or any such weapon or article discovered during such search:

Provided that every such search shall be made with due regard to decency and that no woman shall be searched except by a woman.

- (2) Any officer authorised in this behalf by general or special order of a Deputy Commissioner or the Superintendent of Police may enter and search any place, vehicle, aircraft or animal and, for that purpose stop any vehicle, aircraft or animal and may selze any commodity, article or thing including any vehicle, aircraft or animal which, he has reason to believe, has been, is being or is about to be, used in contravening any order made under sub-section (1) of section 12 or for doing any subversive act.
- (3) Anything seized under sub-section (1) shall be conveyed, and any commodity, article or thing including any vehicle, aircraft or animal seized under sub-section (2) shall be reported, without delay before a magistrate who may give such directions as to the temporary custody thereof as he may think fit, so, however, that where no prosecution in respect thereof is instituted within a period in his opinion reasonable, the magistrate may, subject to the provisions of any other law for the time being in force, give such orders as to the final disposal thereof as he deems expedient.

Cognizance of contraventions of the provisions of the Regulation or orders made thereunier. 34. (1) No court shall take cognizance of any alleged contravention of the provisions of this Regulation or of any order made thereunder, except on a report in writing of the facts constituting such contravention, made by a public servant.

- (2) Proceedings in respect of a contravention of the provisions of this Regulation or of any order made thereunder alleged to have been committed by any person may be taken before the appropriate court having jurisdiction in the place where that person is for the time being.
- (3) No court inferior to that of a magistrate of the first class shall try any offence under this Regulation.
- (4) Any magistrate or Bench of magistrates empowered for the time being to try in a summary way the offences specified in subsection (1) of section 260 of the Code of Criminal Procedure, 1898, may, if such magistrate or Bench of magistrates thinks fit, on application in this behalf being made by the prosecution, try a contravention of any such provisions of this Regulation or order made thereunder as the Governor may, by notified order, specify in this behalf, in accordance with the procedure laid down in sections 262 to 265 of the said Code.
- 35. (1) No order made in exercise of any power conferred by or Saving as to under this Regulation shall be called in question in any civil or criminal court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Regulation, a court shall, within the meaning of the Indian Evidence Act. 1872, presume that such order was so made by that authority.

36. (1) No suit, prosecution or other legal proceeding shall lie Protection against any person for anything which is or is deemed to have been taken under in good faith done or intended to be done in pursuance of this Regula-this Regulation or any order made or deemed to have been made thereunder.

- (2) No suit or other legal proceeding shall lie against Government for any damage caused or likely to be caused by anything which is or is deemed to have been in good faith done or intended to be done in pursuance of this Regulation or any order made or deemed to have been made thereunder.
- 37. The provisions of this Regulation shall be in addition to, and Effect of the not in derogation of, the provisions of any other law for the time provisions of the Regulabeing in force or any instrument having effect by virtue of any such tion when inconsistent law:

with other law.

Provided that the provisions of this Regulation and any orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in such other law or instrument.

5 of 1898.

I of 1872.

Saving.

38. No prohibition, restriction or disability imposed by or under this Regulation, unless otherwise expressly provided by any order made by the Governor or by an officer specially authorised by the Governor in this behalf, shall apply to anything done by, or under the direction of, any public servant acting in the course of his duty as such public servant.

Non-compliance with the provisions of the Regulation made thereunder.

39. If any person to whom any provision of this Regulation relates or to whom any order made in pursuance of any such provision is addressed or relates or who is in occupation, possession or control of or any orders any land, building, vehicle or other thing to which such provision relates or in respect of which such order is made, fails without lawful authority or excuse, himself, or in respect of any land, building, vehicle or other thing of which he is in occupation, possession, or control, to comply with such provision or order, he shall be deemed to have contravened such provision or order.

Delegation of powers and duties of the Governor.

40. The Governor may, by notified order, direct that any power (other than the power given to him under section 41 to make rules) or duty which is conferred or imposed by any provision of this Regulation upon the Governor shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by the Deputy Commissioner.

Power to make rules.

- 41. (1) The Governor may, by notification, make rules for carrying out the purposes of this Regulation.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:---
 - (a) the appointment, jurisdiction, control and functions of authorities empowered to grant licences;
 - (b) the form in which and the conditions subject to which any licence may be granted, varied, suspended or cancelled;
 - (c) the period for which any licence shall continue to be in force;
 - (d) the maintenance of records or accounts of anything done under a licence other than a licence under clause (a) of section 14, the form of, and the entries to be made in, such records or accounts and the exhibition of such records or accounts to any police officer or to any officer of Government empowered in this behalf:

- (e) the entry and inspection by any police officer or by any officer of Government empowered in this behalf of any premises or other place in which controlled articles are manufactured or kept by any person holding a licence and the exhibition of the same to such officer;
- (f) the production of a licence by any person holding the same or acting thereunder and of the controlled article covered by such licence, when called upon to do so by any police officer or any officer of the Government empowered in this behalf;
- (g) the procedure to be followed in arbitrations under Chapter V of this Regulation and the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal;
- (h) the manner of publication and service of notices referred to in sub-section (1) of section 31;
 - (i) any other matter which is to be, or may be, prescribed.
- (3) Any person contravening the provisions of any rule made under this section shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

RAJENDRA PRASAD,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.

The Gazette



of *Andia*

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 23] NEW DELHI, WEDNESDAY, MAY 9, 1962/VAISAKHA 19, 1884

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 9th May, 1962/Vaisakha 19, 1884 (Saka)

THE GOA, DAMAN AND DIU (CURRENCY AND COINAGE) REGULATION, 1962

No. 6 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to provide for the demonetisation of the escudo and certain other notes and coins and for the extension of certain Indian laws to the Union territory of Goa, Daman and Diu.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- 1. This Regulation may be called the Goa, Daman and Diu Short title. (Currency and Coinage) Regulation, 1962.
 - 2. In this Regulation, unless the context otherwise requires,—

Definitions.

- (a) "appointed day" means the 15th day of May, 1962;
- (b) "Goa, Daman and Diu" means the Union territory of Goa, Daman and Diu.
- 3. The decree dated the 16th June, 1958 promulgated by the former Repeal of Portuguese administration in India and any rule, regulation or order certain made under the said decree shall, as from the appointed day. cease laws.

to have effect except as regards things done or omitted to be done before the said day under that decree or any such rule, regulation or order.

4. All escudo notes and coins issued under the decree referred to Demonetiof in section 3 and all other notes and coins issued by or on behalf of sation certain and the former Portuguese administration in India shall, as from the notes coins. appointed day, cease to be legal tender in Goa, Daman and Diu or any other part of India.

Arrangein ments regard demonetised escudo notes and coins.

5. Notwithstanding anything contained in section 3 or section 4, to the Central Government may, during such period commencing on the appointed day as it may deem fit, accept either directly or through any agent any escudo notes or coins tendered for exchange into Indian notes or coins, and may dispose of the notes and coins so tendered and accepted in such manner as it may deem fit.

Extension laws to Goa, Daman and Diu.

6. As from the appointed day, the Indian Coinage Act, 1906, the 3 of 1906. of certain Reserve Bank of India Act, 1934 and the Currency Ordinance, 1940 2 of 1934. and all rules, regulations, notifications or orders made or issued there-Ord. 4 of under shall extend to, and shall be in force in, Goa, Daman and Diu.

Modification in Act 2 1934.

7. As from the appointed day, the Reserve Bank of India Act, 1934 of shall be modified as follows:--

In the First Schedule to the Act, in paragraph 1, for the words "and Maharashtra", the words "Maharashtra and Goa, Daman and Diu" shall be substituted.

Saving.

8. Nothing in this Regulation shall be deemed to prejudice, after or affect in any manner the right of the Central Government to recover from any preson the assets held against the notes or coins referred to in section 4, in so far as the said assets have not vested in, or passed to, the Central Government.

> RAJENDRA PRASAD. President.

R. C. S. SARKAR. Secy. to the Govt. of India.



of Andia

EXTRAORDINARY PART II—SECTION I PUBLISHED BY AUTHORITY

No. 31] NEW DELHI, FRIDAY, JULY 13, 1962/ASADHA 22, 1884

MINISTRY OF LAW (Legislative Department)

New Delhi, the 13th July, 1962/Asadha 22, 1884 (Saka)

THE DAMAN (ABOLITION OF PROPRIETORSHIP OF VILLAGES) REGULATION, 1962

No. 7 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to provide for the abolition of proprietorship of villages in the Daman district in the Union territory of Goa, Daman and Diu and for matters connected therewith.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- 1. (1) This Regulation may be called the Daman (Abolition of Short title, Proprietorship of Villages) Regulation, 1962.
- (2) It extends to the whole of the district of Daman in the Union mentaterritory of Goa, Daman and Diu.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. In this Regulation, unless the context otherwise requires,—

 (a) "Administrator" manner than Administrator Definitions.
 - (a) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu;
 - (b) "appointed date" means the date on which this Regulation comes into force;
 - (c) "Collector" means the Collector of Daman;
 - (d) "to cultivate personally" means to cultivate 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 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 purposes of this clause,--

- (i) a widow or a minor or a person who is subject to any physical or mental disability 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;
- (e) "cultivation" means the use of lands for the purpose of agriculture or horticulture;
- (f) "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;
- (g) "land" means every class or category of land and includes—
 - (i) benefits to arise out of such land, and
 - (ii) things attached to earth or permanently fixed to anything attached to earth;
- (h) "proprietor" means a person who holds any village or villages granted to him or any of his predecessors-in-interest by the former Portuguese Government by way of gift, sale or otherwise and includes his co-sharers;
- (i) "prescribed" means prescribed by rules made under this Regulation.

Abolition of proprietary rights.

- 3. Notwithstanding anything contained in any contract, grant or other document or in any law for the time being in force, on and from the appointed date,—
 - (i) all rights, title and interest of every proprietor in or in respect of all lands in his village or villages shall be deemed to have been extinguished; and
 - (ii) all such rights, title and interest shall stand transferred to and vest in the Central Government free from all encumbrances, and every mortgage, debt or charge on any such right, title and interest shall be a charge on the amount of compensation payable to such proprietor under this Regulation;

- (iii) 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 and may, without prejudice to any other mode of recovery, be realised by deduction from the compensation payable to the proprietor under this Regulation.
- 4. Notwithstanding anything contained in section 3, a proprietor Rights of shall, subject to the provisions of sections 6 to 8, be entitled to retain certain lands. with effect from the appointed date,—
 - (a) homesteads, buildings and structures together with lands appurtenant thereto in the occupation of the proprietor;
 - (b) lands under the personal cultivation of the proprietor, not being pasture or grass lands.
- 5. (1) The Collector shall take charge of all lands and of all Collector to take charge rights, title and interest therein of a proprietor vested in the Govern- of lands, ment under section 3, and for this purpose, the Collector or any officer etc., vested in authorised by him may take such steps or use such force as may be Government. necessary.
- (2) Nothing in this section shall be deemed to authorise the Collector to take possession of any land or of any right of proprietor which may be retained by him under section 4.
- 6. (1) All lands in villages, the rights, title and interest in which Liability of have vested in the Government under section 3 shall, with effect on and from the appointed date, be liable to the payment of land revenue to the Government in accordance with revenue survey and settlement the appointed date.

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

- (i) in any case where any such land is held for the purpose of cultivation by a cultivating tenant, be one-third of the rent, or where the rent is in kind, the cash equivalent (which shall be determined as hereinafter provided) of one-third of the rent, payable by the cultivating tenant to the proprietor immediately before the 20th December, 1961;
- (ii) in the case of any other land, 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.

- (2) For the purposes of clause (i) of the proviso to 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 payable.
- (3) If any person makes default in the payment of land revenue, it shall be recovered-
 - (a) by serving a written notice of demand on such person,
 - (b) by distraint and sale of the movable property of such person,
 - (c) by sale of the immovable property of such person, or
 - (d) by forfeiture of the land in respect of which the land revenue is due.

in accordance with such rules as may be made in this behalf.

Rights certain cultivating tenrestored possession of their lands.

- 7. (1) Any cultivating tenant who had been evicted from any land after the 1st April, 1954, being land which a proprietor was ents to be personally cultivating on the 20th December, 1961, may, on or before the 31st December, 1962, make an application to the Mamlatdar 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, the Mamlatdar may make such enquiry as he thinks fit.
 - (3) If, on such enquiry, the Mamlatdar is satisfied that such cultivating tenant was in possession of that land on the 1st April, 1954, and that he was evicted therefrom after that date by the proprietor thereof without any reasonable excuse, he may order the restoration of such land to the cultivating tenant or direct the proprietor to pay such compensation to him as the Mamlatdar may deem appropriate in the circumstances of the case.
 - (4) Any party aggrieved by the order of the Mamlatdar under sub-section (3) may file an appeal, within thirty days from the date of that order, to the Collector.
 - (5) The decision of the Mamlatdar where no appeal is filed, and the decision of the Collector where an appeal is filed, shall be final and shall not be questioned in any court of law.

Rights of proprietors and cultivating tenants to hold land

8. (1) Every cultivating tenant holding land of which he was in actual possession on the 20th December, 1961, shall, as from the appointed date, be the occupant thereof on payment of land revenue se companie, to the Government under section 6,

- (2) Every proprietor holding land which he was personally cultivating on the 20th December, 1961, and in respect of which,—
 - (a) no application has been made under section 7; or
 - (b) such application having been made, no order of restoration thereon was passed,

shall hold such land as occupant on payment of land revenue to the Government under section 6-

- (i) in the case referred to in clause (a), from the 1st January, 1963; and
- (ii) in the case referred to in clause (b), from the date such application is finally disposed of.
- (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.
- 9. A proprietor whose rights, title and interest in respect of his Compensation to prolands vest in the Government under section 3 shall be entitled to prietors. compensation at the rate of twenty times the annual payment (Contribuicao Predial) which the proprietor was liable to make to the former Portuguese Government in respect thereof immediately before the 20th December, 1961.
- 10. (1) Any person entitled to compensation under section 9 shall, Method on or before such date as the Administrator may specify in this compensabehalf from time to time by notification in the Official Gazette, make tion. 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 enquiry as he thinks fit, determine the amount of compensation payable to such person:

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

Provided further that in cases of dispute regarding apportionment of compensation among the persons entitled to compensation, the

Collector shall direct them to have their respective share adjudicated upon by a competent civil court and the payment of compensation shall be in accordance with such adjudication.

Payment of compensation.

11. The compensation determined under section 10 shall, after deducting therefrom the amounts, if any, referred to in clause (iii) of section 3, 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 doposited by the Collector in a competent civil court.

Proprietors deliver records to authorised officers.

- 12. (1) Whenever any officer authorised by the Collector in this behalf so directs, a proprietor 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 proprietor.
- (2) If a proprietor fails without reasonable cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of continuing failure to deliver any such records, the proprietor shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Protection of action this Regulation.

- 13. (1) No suit, prosecution or other legal proceeding shall lie taken under against any person for anything which is in good faith done or intended to be done in pursuance of this Regulation 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 Regulation or any rules made thereunder or by anything in good faith done or intended to be done in pursuance of this Regulation or any rules made thereunder.

Power to remove difficulty.

- 14. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Central Government may by order make such provisions as appear to it to be necessary or expedient for removing the difficulty.
- (2) Any order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed date.

15. The Administrator may, by notification in the Official Gazette, Power make rules to carry out the purposes of this Regulation.

make rules.

S. RADHAKRISHNAN, President.

R. C. S. SARKAR, Secy. to the Govt. of India.

CORRIGENDUM

In the Gazette of India Extraordinary, Part II, Section 1, dated the 22nd June, 1962, on page 160, in the third line, omit "Rs." appearing for the second time.

The Gazette



of **Endia**

EXTRAORDINARY

PART II-Section 1

PUBLISHED BY AUTHORITY

No. 33] NEW DELHI, SATURDAY, SEPTEMBER 1, 1962/BHADRA 10, 1884

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 1st September, 1962/Bhadra 10, 1884 (Saka)

THE GOA, DAMAN AND DIU (REPEAL OF POSTS AND TELEGRAPHS LAWS) REGULATION, 1962

No. 8 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to provide for the repeal of certain laws relating to Posts and Telegraphs in force in the Union territory of Goa, Daman and Diu.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Goa, Daman and Diu Short title, (Repeal of Posts and Telegraphs Laws) Regulation, 1962.

(2) It extends to the whole of the Union territory of Goa, Daman and Dau.

- (3) It shall come into force on the 1st day of September, 1962.
- 2. As from the commencement of this Regulation, the laws specified Repeal in the Schedule shall stand repealed.

 Repeal laws reto Post

3. The repeal of any law by section 2 shall not affect—

(a) the previous operation of such law or anything duly done or suffered thereunder:

Repeal of laws relating to Posts and Telgraphs.
Savings.

ment.

- (b) any right, privilege, obligation or liability acquired, accrued or incurred under such law;
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against such law; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if such law had not been repealed.

THE SCHEDULE

(See section 2)

- (1) Decree No. 34, 076 dated 2nd November, 1944.
- (2) Decree No. 37, 050 dated 8th September, 1948, relating to sale, manufacture and supply of stamps.
- (3) Decree No. 41, 538 dated 26th February, 1958, relating to use and exploitation of franking machines.
- (4) Decree No. 40, 978 dated 14th January, 1957, relating to postal service of newspapers and publications.
- (5) Decree No. 40, 979 dated 16th January, 1957, relating to VP letter service.
- (6) Decree No. 41, 001 dated 14th February, 1957, relating to money orders and postal orders.
- (7) Decree No. 40, 314 dated 12th September, 1955, relating to VP service (parcel).
- (8) Decree No. 40, 441 dated 20th December, 1955, relating to parcel service.
- (9) Decree No. 41, 014 dated 23rd February, 1957, relating to insured service (letters and boxes).
- (10) Decree No. 40, 592 dated 5th May, 1956, relating to general rules for post offices.
- (11) Decree No. 42, 821 dated 26th January, 1960, dealing with postal statistics.
- (12) Decree No. 40, 708 dated 31st July, 1956, dealing with statute of colonial employees (general).

- (13) Decree No. 40, 709 dated 31st July, 1956, dealing with statute of colonial employees (salaries).
- (14) Diploma Legislative No. 641 dated 25th March, 1933, for Caixa Auxilia and Gazette Notification No. 1814 dated 22nd August, 1933—Caixa Auxilia (Local) Governor General.
- (15) Decree No. 2, 429 dated 3rd June, 1916, approving regulations for Telegraphic services in Portuguese colonies.
- (16) Legislative Diploma No. 1896 dated 18th December, 1958, approving regulations for Broadcasting receiving installation (Local Government).
- (17) Legislative Diploma No. 2052 dated 26th January, 1961, containing by-laws regarding details for supervision of electrical plants and installations and taxes to be paid (Local Government).
- (18) Ministerial Portaria No. 17, 621 dated 7th March, 1960, approving postal rates and Portaria No. 6948 dated 27th June, 1957, approving telephone rates (Local Government).
- (19) Portaria No. 7, 791 dated 14th April, 1960, approving rates for Indian and Inland telegrams (Local Government).
- (20) Decree No. 31, 422 dated 26th July, 1941, establishing imperial telegraphic service between Portugal and colonies.
- (21) Decree No. 36, 502 dated 10th September, 1947, establishing new regulations regarding rates for telegrams—overseas system.
- (22) Portaria No. 7607 dated 27th August, 1959, approving surcharges for correspondence.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.

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The Gazette



of **Endia**

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 37] NEW DELHI, TUESDAY, SEPTEMBER 11, 1962/BHADRA 20, 18 4

MINISTRY OF LAW (Legislative Department)

New Delhi, the 11th September, 1962/Bhadra 20, 1884 (Saka)

THE GOA, DAMAN AND DIU VILLAGE PANCHAYATS REGULATION, 1962

No. 9 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to provide for the establishment of Panchayats Short title in the Union territory of Goa, Daman and Diu and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation Definitions. made by him:—-

CHAPTER I PRELIMINARY

- 1 (1) This Regulation may be called the Goa, Daman and Diu Village Panchayats Regulation, 1962.
- (2) It extends to the whole of the Union territory of Goa, Daman and Diu.
 - 2. In this Regulation, unless the context otherwise requires,-
- (a) "building" includes a house, outhouse, stable, privy, urinals, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other structure whether of masonry, bricks, wood, metal or any other material, but does not include a

temporary structure erected on ceremonial or festive occasion or a tent;

- (b) "chairman" and "vice-chairman" mean respectively the chairman and vice-chairman of a Panchayat;
- (c) "Chief Secretary" means the Chief Secretary of Goa, Daman and Diu Administration;
- (d) "land' includes land which is built upon or covered with water;
- (e) "Lieutenant-Governor" means the Administrator of the Union territory of Goa, Daman and Diu;
- (f) "notification' means a notification published in the Official Gazette;
- (g) "octroi" means a tax on the entry of goods into the area within the jurisdiction of a Panchayat for consumption, use or sale therein;
 - (h) "Official Gazette" means the Goa, Daman and Diu Gazette;
- (i) "Panchayat" means a Panchayat established under section 3;
- (j) "prescribed" means prescribed by rules made under this Regulation;
- (k) "public street" means a pathway, road, street, square, court, alley, cart track, foot-path or riding path over which the public have a right of way, whether a thoroughfare or not, and includes—
 - (i) the road-way over any public bridge or cause-way,
 - (ii) the foct-way attached to any such street, road, public bridge or cause-way;
 - (iii) the drains attached to any such street, road, public bridge or cause-way and the land which lies on either side of the road-way up to the boundaries of the adjacent property;
 - (1) "Schedule" means a Schedule to this Regulation;
- (m) "tax" means a tax, cess, rate or other impost, but does not include a fee:
- (n) "term of a Panchayat" means the period for which the members of a Panchayat shall hold office under section 21;
- (o) "village" means any local area declared under section 3 to be a village for the purposes of this Regulation.

CHAPTER II

GRAM SABHAS-ESTABLISHMENT AND CONSTITUTION OF PANCHAYATS AND ELECTIONS

3. (1) After making such inquiry as he thinks necessary, the Declaration Lieutenant-Governor may, by notification, declare any local area, and estabcomprising a village or a group of villages or any part or parts thereof lishment of Panchayats. or a combination of any two or more of them, to be a village for the purposes of this Regulation.

- (2) For every village, there shall be a Panchayat as from such date as the Lieutenant-Governor may, by notification, appoint.
- 4. As from the date appointed under section 3, all persons whose Gram Sabha. names are for the time being entered as electors in the electoral roll for a village shall be deemed to constitute the Gram Sabha for that village.
- 5. (1) There shall be held at least two meetings of the Gram Meetings of Sabha every year on such date and at such time and place as may be Sabha. prescribed:

Provided that the chairman shall, upon a requisition in writing by not less than one-fifth of the number of members and within thirty days of the receipt of such requisition, call an extraordinary general meeting of the Gram Sabha.

- (2) The chairman or, in his absence, the vice-chairman, or, in the absence of both, any person chosen by the Gram Sabha shall preside at such meeting.
- (3) One tenth of the total number of members of the Gram Sabha shall form the quorum for a meeting.
 - 6. (1) The Panchayat shall place before the Gram Sabha--

Work at general meeting.

- (a) the annual statement of accounts;
- (b) the report on the administration of the preceding financial year;
- (c) the development and other programmes of work proposed for the current financial year;
 - (d) the last audit report and replies made thereto;
- (e) proposals for fresh taxation or enhanced taxation and any new programme not covered by clauses (a) and (c); and
- (f) proposals for organising community service, voluntary labour or mobilisation of the local people for any specific work included in any programme.
- (2) It shall be open to the Gram Sabha to discuss any or all of the matters placed before it under sub-section (1) and the Panchayat shall consider the suggestions, if any, made by the Gram Sabha.
- (3) A Gram Sabha shall carry out such other functions as the Lieutenant-Governor may, by general or special order, require.

Constitution of Panchayats.

7 (1) A Panchayat shall consist of such number of members as the Lieutenant-Governor may, by order, determine, so far as may be in accordance with the following Table:—

TABLE

For a Panchayat with a population of	Number of members		
(I) 1,500 or more but not more than 2,500		53	
(2) more than 2,500 but not more than 3,500		7;	
(3) more than 3,500		9.	

- (2) All the members of a Panchayat shall be elected.
- (3) Of the total number of members of a Panchayat, at least one shall be a woman and accordingly—
 - (a) if there is only one woman candidate at the election, she shall be declared elected;
 - (b) if there are more woman candidates than one at the election, the candidate who secures the largest number of votes among such woman candidates shall be declared elected.
- (4) Where there is no woman candidate at the election, the male candidates duly elected or deemed under sub-section (5) to have been duly elected, shall co-opt as member a woman who is otherwise qualified to be elected as a member of the Panchayat.
- (5) Subject to the provisions of sub-sections (3) and (4), if, for any reason, an election does not result in the return of the required number of qualified persons willing to take office, the Licutenant-Governor shall, as soon as possible, appoint from persons qualified to be elected, such number of persons as are necessary to make up the required number, and the persons so appointed shall be deemed to have been duly elected.

Incorporation of Panchavats. 8. Every Panchayat shall, by the name specified by the Lieutenant-Governor in this behalf, be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation, have power to acquire, hold or dispose of property, both movable and immovable, and to contract and shall by the said name sue or be sued.

- 9. (1) The Lieutenant-Governor may, after consultation with the Alteration in area o Panchayat or Panchayats concerned, at any time by notification—village.
 - (a) include any area within the limits of a village, or
 - (b) exclude any area from the limits of a village, or
 - (c) declare that any village shall cease to exist by reason of its inclusion in another village or in any Municipal or other local area.
- (2) Where, by a notification under sub-section (1), any area is included within the limits of a village, the jurisdiction of the Panchayat established for that village shall extend to such area which shall become subject to all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in that village.
- (3) Where, by a notification under sub-section (1), any area is excluded from the limits of a village, the jurisdiction of the Panchayat established for that village over such area shall thereupon cease and all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in that village shall cease to apply to that area
- (4) Where, by a notification under sub-section (1), a village ceases to exist, the Panchayat established for it shall stand dissolved and the assets and liabilities of the Panchayat shall be disposed of in the prescribed manner.
- 16. A person shall not be qualified to be chosen as a member of a Qualifica-Panchayat unless his name is entered as an elector in the electoral membership. roll for the village for which it is established.
- 11. A person shall be disqualified for being chosen as, and for being, Disqualification for membership.
 - (a) is not a citizen of India; or
 - (b) is under twenty-five years of age; or
 - (c) holds any office of profit under the Central Government, any State Government or the Panchayat or any other local authority; or
 - (d) has been dismissed on or after the twentieth December, 1961, from the service of the Government or any local authority for misconduct unless a period of five years has elapsed from such dismissal; or
 - (e) has directly or indirectly any share or monetary interest in any work done by or to the Panchayat or any contract or employment with, under or by or on behalf of the Panchayat; or
 - (f) is an undischarged insolvent; or

- (y) is of unsound mind and stands so declared by a competent court; or
 - (h) is suffering from infectious leprosy; or
- (i) has been convicted by a criminal court of any offence involving moral turpitude and sentenced to imprisonment for not less than six months and five years have not elapsed since his release; or
- (i) is an arrear for such period as may be prescribed of any tax, fee or other sum due to the Panchayat.

Decision on questions fication,

12. If any question arises as to whether a member of a Panchayat as to disquali- has become subject to any disqualification referred to in section 11, it shall be referred to the prescribed authority for decision and his decision thereon shall be final.

Elector, and electoral rolls.

13. (1) Every person who is a citizen of India and not less than twenty-one years of age on the prescribed date and who is ordinarily resident in a village shall be entitled to be registered as an elector in the electoral roll for that village:

Provided that a person shall not be so entitled if he is of unsound mind and stands so declared by a competent court.

Explanation. A person shall be deemed to be ordinarily resident in a village if he has been ordinarily residing therein or is in possession of a dwelling house therein ready for occupation.

(2) The electoral roll for a village shall be prepared in accordance with such rules as may be made in this behalf by the Lieutenant-Governor.

Right to vote.

14. Every person whose name is, for the time being, entered in the electoral roll for a village as an elector shall be entitled to vote at the election of a member of the Panchayat for that village.

Election

15. The election of members of a Panchayat shall be held in of members, accordance with such rules as may be made in this behalf by the Lieutenant-Governor on such date or dates as the Lieutenant-Governor may, by notification, direct:

> Provided that a casual vacancy shall be filled as soon as may be after the occurrence of the vacancy;

> Provided further that no election shall be held to fill up a casual vacancy occurring within three months prior to the general electi for a Panchayat under this section.

16. (1) If the validity of an election of a member of a Panchayat Dispute as is called in question by any person qualified to vote at the election of election. to which such question relates, such person may, at any time within fifteen days after the date of declaration of the result of the election, apply to the prescribed authority in such form as may be prescribed for the determination of such question.

- (2) If, on receipt of an application under sub-section (1) and after making such inquiry as he considers necessary, the prescribed authority is satisfied—
 - (a) that any member who has been elected was on the date of election subject to any of the disqualifications specified in section 11, or
 - (b) that any corrupt practice has been committed by any member who has been elected or by any other person with the consent of such member, or
 - (c) that the result of the election, in so far as it concerns an elected member, has been materially affected—
 - (i) by any corrupt practice committed in the interest of the elected member by any person without the consent of such member, or
 - (ii) by any non-compliance with the provisions of this Regulation or any rules or orders made thereunder.

the prescribed authority shall declare the election of such member to be invalid, and such declaration shall be final:

Provided that no election of a member shall be declared invalid on the ground that such member committed a corrupt practice unless he has been given an opportunity to show cause against such declaration.

- (3) Where the prescribed authority declares the election of any member to be invalid on the ground that he committed a corrupt practice, the prescribed authority may declare such member to be disqualified from exercising any electoral right or from being a member of any Panchayat for such period not exceeding five years as he may determine.
- (4) A person shall be deemed to have committed a corrupt practice if he, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration or holds out any promise of individual profit or any threat of injury to any person.

Fresh elections. 17. If the prescribed authority declares the election of any member to be invalid, a fresh election for the vacancy so caused shall be held in accordance with the provisions of this Regulation.

Jurisdiction of civil courts in election matters barred.

18. No civil court shall have jurisdiction to question the legality of any action taken or any decision given by the prescribed authority in connection with the conduct of elections under this Regulation.

Election of chairman and vicechairman.

- 19. (1) At the first meeting of a Panchayat to be called on a date fixed by the Lieutenant-Governor, the members of the Panchayat shall elect, from amongst themselves, a chairman and a vice-chairman.
- (2) Such officer as may be specified in this behalf by the Lieutenant-Governor shall preside at such meeting but shall not have the right to vote.
- (3) No business other than the election of the chairman and vice-chairman shall be transacted at such meeting.
- (4) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the officer aforesaid in such manner as he may determine.
- (5) In the event of a dispute arising as to the validity of the election of the chairman or the vice-chairman, the dispute shall be referred to such authority as may be specified by notification by the Lieutenant-Governor and the decision of such authority thereon shall be final.

Chairman
to be the exe-

bers.

20. The executive powers of the Panchayat under this Regulation and the responsibility for the due fulfilment of the duties imposed on the Panchayat under this Regulation and for carrying out the resolutions of the Panchayat shall vest in the chairman:

Provided that the chairman may by order delegate any of his powers under this Regulation to the vice-chairman subject to such restrictions and conditions as may be specified in the order.

Term of office of chairman and of four years:

Provided that the Lieutenant-Governor may, by order in writing and for reasons to be recorded, extend the said term by a period not exceeding one year, and every such order shall be notified in the Official Gazette.

(2) The term of office of the members shall be deemed to commence on the date of the first meeting of the Panchayat which shall be held on a date fixed by the Lieutenant-Governor.

- (3) The term of office of outgoing members shall be deemed to extend to and expire with the date preceding the date of meeting.
- (4) The chairman and the vice-chairman shall hold office for the term of the Panchayar including the extended term, it any:

Provided that the chairman shall, after the expiry of his term, continue to carry on the current duties of his office until a new chairman is elected and takes over charge

- 22. (1) As soon as may be after the first meeting of the Panchayat, Oath of every member thereof shall take the oath of office before such office office. as the Lieutenant-Governor may specify in this behalf, in the form set out in the First Schedule.
- (2) No member who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall he be included as a member of any committee constituted by the Panchayat.
- 23. (1) Any member may resign his office by giving notice in Resignation writing to that effect to the chairman, and such resignation shall take of office. effect from the date of its receipt by the chairman.
- (2) The vice-chairman may resign his office by giving notice in writing to the chairman, but the resignation shall not take effect until it is accepted by the Panchayat.
- (3) The chairman may resign his office by giving notice in writing to the Lieutenant-Governor but the resignation shall not take effect until it is accepted by him.
- 24. (1) A motion of no-confidence may be moved by any member Motion of of a Panchayat against the chairman or the vice-chairman after giving no-confidence. such notice thereof as may be prescribed.
- (2) If the motion is carried by a majority of not less than twothirds of the total number of members of the Panchayat, the chairman or the vice-chairman, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier
- (3) Notwithstanding anything contained in this Regulation, the chairman or the vice-chairman shall not preside over a meeting in which a vote of no-confidence is discussed against him, but he shall have the right to speak or otherwise take part in the proceedings of such meeting.

Removal from office.

- 25. (I) Such authority as may be specified by notification by the Lieutenant-Governor may, after giving due notice to the Panchayat and after such inquiry as such authority thinks fit, remove from flice any member or the chairman or vice-chairman of a Panchayat who has been guilty of misconduct or neglect of duty or persistent remissness in the discharge of his duties; and the member, chairman or vice-chairman so removed shall not be eligible for re-election during the remainder of the term of the Panchayat.
- (2) Any person who has been removed from his office by the authority referred to in sub-section (1) may, within thirty days from the date of the order, prefer an appeal to the Lieutenant-Governor who may, after giving the appellant an opportunity of being heard, modify, set aside or confirm the order of removal.
- (3) The order of removal passed by the authority referred to in sub-section (1) shall not take effect before the period during which an appeal may be preferred under sub-section (2) has expired.
- (4) An order passed by the Lieutenant-Governor on appeal shall be final.
- (5) Where an appeal has been filed under sub-section (2), the Lieutenant-Governor may stay the operation of the order of the authority referred to in sub-section (1) till the appeal is disposed of.

Casual vacancy.

26. Any casual vacancy in the office of the chairman or the vice-chairman shall be filled for the remainder of his term by election in accordance with the provisions of this Regulation.

Officers and employees of the Pan-chavat.

- 27. (1) The Lieutenant-Governor shall appoint a Secretary for every Panchayat.
- (2) The Panchayat may appoint such other officers and employees and in such number as from time to time be necessary:

Provided that it shall not create any post not already provided for in the budget except with the previous approval of the Lieutenant-Governor.

Meetings of Panchavat.

- 28. (1) The time and place of meetings of a Panchayat and the procedure at such meetings shall be such as may be prescribed.
- (2) A member of a Panchayat may, at any meeting, move any resolution and put questions to the chairman or the vice-chairman on matters connected with the administration of the Panchayat in the manner prescribed.
- (3) No resolution of a Panchayat shall be modified, amended, varied or cancelled by the Panchayat within a period of three months

from the date of passing thereof except by a resolution supported by two-thirds of the total number of members of the Panchayat.

- 29. (1) Subject to such rules as may be made in this behalf, a Committees. Panchayat may appoint from among its members a Finance, Administration and General Committee, a Social Services Committee, a Production Committee and such other Committees for the efficient discharge of its duties as may be considered necessary.
- (2) A Panchayat may temporarily associate with any Committee one or two persons, not being members of the Panchayat, who have special experience and knowledge of any subject dealt with by a Committee and any such person shall have the right to take part in the discussions of the Committee but shall not have the right to vote, and shall not be a member for any other purpose.
- 30. No act or proceeding of a Panchayat or of any Committee Proceedings thereof shall be deemed to be invalid by reason only of the existence invalid. of any vacancy in, or defect in the constitution of, the Panchayat or the Committee or of any informality in its proceedings.

CHAPTER III

Powers, duties and functions of a Panchayat

- 31. (1) It shall be the duty of every Panchayat so far as its Fund Duties and may allow to make reasonable provision within its jurisdiction in regard to the matters specified in the Second Schedule.
- (2) A Panchayat may also make provision for carrying out within the area comprised within its jurisdiction any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the residents of the area.
- 32. A Panchayat shall have control of all roads, streets, waterways, Public bridges and culverts which are situated within its jurisdiction not waterways. being private property or not being under the control of the Government and may do all things necessary for the maintenance and repair thereof, and in particular, may-
 - (a) lay out and make new roads,
 - (b) construct new bridges and culverts.
 - (c) widen, open, enlarge or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads.
 - (d) deepen or otherwise improve waterways under its control, and

(e) trust any hodge or branch tof languance projecting on any public road or street

Transfer of any work of institution to Panchayat.

33. The Lieutenant-Governor may tentrust to to the Panchayat, the execution, maintenance or repair or any work of the Mahagement of any institution on behalf of the Government of the lift to local authority

Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall be placed at the disposal of the Pananayar by the Government of such focal authority.

Village volunteer force.

- 24.41) Subject to the rules made under this. Regulation a Panchayat may organise a village volunteer force consisting of ablebodied males residing in the village who are between the ages of 21 and 40 and who are willing to join the force and place such force under the command of a suitable person
- (2) The services of the village volunteer force may be utilised for general watch and ward purposes and in cases of emergency like fire, floods, out-break of epidemics (1 any other natural calamity
- (3) No member of the force shall be held hable for damages on account of any act done by him in the bond side discharge of his duties as a member of such force.

Execution of contracts.

33. Every contract or agreement enterecomorby a Panchayat. shall be in writing and shall be signedubly the chairman words his absence, by the vice-chairman, and by one other member of the Panchayat and sealed with the common seal of the Panchayat

CHAPTER IV

FINANCE, PROPERTY AND ACCOUNTS

Panchayet. Fund.

- 36. (1) There shall be a Panchavat Fund for each Panchavat and the same shall be utilised for carrying out the duties and obligations imposed upon the Panchayat by this Regulation,
- (1921 121). The following ishell he oredited to and found part to furthe Panchayat Fund, namely —
 - (a) the proceeds buff any, tax mornifer ampased, under this Regulation and of languages or there imposed under any other law and transferred to the Fund.
 - (by the contributions made by the Government spruny local authority or person shoot
 - (v) the theome from securities in which the Palichayat Fund is invested;

- (d) all sums received by way of loans or gift;
- (e) the income from or proceeds of any property of the Panchayat;
- (f) the sale proceeds of all dust, dirt, dung or refuse collected by the employees of the Panchayat;
- (g) sums assigned to the Panchayat Fund by any general or special order of the Government;
- (h) all sums received in aid of or for expenditure on any institution or service, maintained or financed from the Panchayat Fund or managed by the Panchayat.
- (3) The amount in the Panchayat Fund shall be applied subject to the provisions and for the purposes of this Regulation and shall be kept in such custody as may be prescribed.
- 37. The Lieutenant-Governor may, subject to such conditions as Grants he may deem fit, make grants to a Panchayat for general purposes or for the improvement of the area within its jurisdiction and the welfare of the residents therein
- **38.** (1) All public property situated within the jurisdiction of a Property Panchayat shall vest in and belong to the Panchayat and be under the Panchayat direction, management and control
- (2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Panchayat and all dues levied or imposed and received in respect thereof shall be credited to the Panchayat Fund.
- 39. (1) Subject to the rules made under this Regulation, a Taxes which Panchayat may levy—

 a Taxes which may be imposed.
 - (a) a tax on the owners or occupiers of buildings;
 - (b) a tax on vehicles other than mechanically propelled vehicles kept within the jurisdiction of the Panchayat;
 - (c) a lighting tax;
 - (d), andrainage tax;
 - (e) a pilgrim tax;
 - off) tax on professions, trades, callings and employments;
 - (g) an entertainment tax;
 - (h) octroi;
 - i(i) feeshifor sale of goods in markets, melas, fairs and feativals;

- (j) fee for grazing of cattle in grazing lands under the management of the Panchayat;
- (k) fees on cart-stands, tonga-stands and other public parking places;
- (1) fee for providing the watch and ward of crops in the village; and
 - (m) licence fee for plying of public ferry.
- (2) The taxes and fees referred to in sub-section (1) shall be imposed assessed and realised in such manner and at such times as may be prescribed.

Appeal against levy of tax, etc.

40. Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the prescribed authority within thirty days of the date of the order imposing such tax or fee

Suspension of levy of tax or fee.

41. The Lieutenant-Governor may, by notification, suspend the levy or imposition of any tax or fee and may at any time in like manner rescind such suspension.

Lease of markets, etc.

42. It shall be lawful for a Panchayat to lease by public auction or private contract the collection of any fee on markets and bazaars if any such fee is imposed under section 39:

Provided that a lessee shall give security for the due fulfilment of the conditions of the lease or contract.

Recovery of taxes and other duties.

- 43. (1) When any tax or fee or other sum due to a Panchavat has become payable, the Panchayat shall, with the least practicable delay, cause to be sent to the person liable for the payment thereof a demand notice in the prescribed form for the amount due from him and require him to pay the amount within thirty days from the date of such notice.
- (2) Every notice of demand under sub-section (1) shall be served in such manner as may be prescribed
- (3) If the sum for which a notice of demand has been served is not paid within thirty days from the date of such notice, the Panchayat may apply to the prescribed authority for its recovery as an arrear of land revenue.

Accounts.

44. Every Panchayat shall maintain accounts of its receipts and expenditure in such form as may be prescribed.

Annual estimate of

45. (1) The chairman shall prepare annually, on or before such expenditure, date and in such form as may be prescribed, a budget estimate of the income and expenditure of the Panchayat for the next financial year.

- (2) The Panchayat shall, as soon thereafter as may be, consider the budget estimate and approve the same without any modification or with such modifications or changes as it may consider necessary.
- (3) A copy of the budget estimate shall be forwarded without delay to the prescribed authority but not later than the 1st March.
- (4) No expenditure shall be incurred by a Panchayat unless it is included in the budget estimate which has been approved by the Panchayat.
- (5) A Panchayat may, at any time, during the year for which annual budget estimate has been approved, cause a revised or supplementary budget estimate to be prepared which shall be considered and approved by the Panchayat in the same manner as an original budget estimate:

Provided that a copy of the revised or supplementary budget estimate shall be forwarded to the prescribed authority within such time as may be prescribed.

- **46.** (1) The accounts of every Panchayat shall be audited annually Audit. In such manner as may be prescribed.
- (2) The audit shall be carried out by such officer as the Chief Secretary may appoint in this behalf, and that officer shall, within one month of the completion of the audit, forward copies of the audit report to the Chief Secretary and the Panchayat.
- (3) The Chief Secretary may, after considering the report and after making such further inquiry as he may consider necessary, disallow any item which appears to hem contrary to law and surcharge the same on the person making or authorising the illegal payment, and shall—
 - (a) if such person is a member of the Panchayat, proceed against him in the manner specified in sub-sections (2) and (3) of section 51; and
 - (b) if such person is not a member of the Panchayat, obtain the explanation of the person and direct such person to pay to the Panchayat the amount surcharged within a specified period; and if the amount is not paid within the specified period, the Chief Secretary shall cause it to be recovered as an arrear of land revenue and credited to the Panchayat Fund.
- (4) Any person aggrieved by an order of the Chief Secretary under sub-section (3), may within thirty days of the date of the order, prefer an appeal to the Lieutenant-Governor whose decision on such appeal shall be final.

Administration Report.

- 47. (1) Every Panchayat shall submit annually to the prescribed authority a report on the administration of the Panchayat during the previous year.
- (2) The report shall be prepared by the chairman and after it is approved by the Panchayat shall be forwarded to the prescribed authority with a copy of the resolution of the Panchayat thereon.

CHAPTER V

CONTROL OF PANCHAYATS

Power to call for

- 48. The Chief Secretary or any officer authorised by the Lieutenantproceedings. Governor (in this Chapter and in Chapter VI referred to as 'the authorised officer') shall have power-
 - (a) to call for—
 - (i) any extract from the proceedings of a Panchayat, or any book, record, correspondence or documents in the possession or under the control of a Panchayat; or
 - (ii) any return, plan, estimate, statement, account or report,

for the purpose of inspection or examination; and

- (b) to require a Panchayat to take into consideration-
- (i) any objection which appears to the said officer to exist to the doing of anything which is about to be done or 18 being done by such Panchayat; or
- (ii) any information which the said officer furnish and which appears to him to necessitate the doing of a certain thing by the Panchayat,

and to make a written reply to him, within a reasonable time, stating its reasons for not desisting from doing or for not doing such things.

Default in performance of duty by Panchayats.

49. If, at any time, it appears to the authorised officer that a Panchayat has made wilful and persistent default in the performance of any duty imposed on it by this Regulation, he may, by order in writing, fix a period for the performance of that duty. If the duty is not performed within the period so fixed, the authorised officer may appoint any person to perform it and direct that the expenses of the performance of the duty shall be paid by the defaulting Panchayat within such period as he may think fit

50. (1) If, in the opinion of the authorised officer, the execution Suspension of execution of any order or resolution of a Panchayat or the doing of anything of order or which is about to be done or is being done by or on behalf of a Pan-resolution of Panchayat is causing or is likely to cause injury or annoyance to the public chayat. or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend the execution or prohibit the doing thereof.

- (2) When the authorised officer makes an order under sub-section (1), he shall forthwith send to the Panchayat affected thereby a copy of the order together with a statement of the reasons for making it.
- (3) The authorised officer shall forthwith submit to the Chief Secretary a report of the circumstances in which the order was made under this section and the Chief Secretary may, after giving notice to the Panchayat and making such inquiry as he deems fit, rescind, modify or confirm the order.
- 51. (1) Every member of a Panchayat shall be personally liable for Liability of the loss, waste or misapplication of any money or other property of loss, waste, the Panchayat to which he has been a party or which has been caused or misapor facilitated by his misconduct or wilful neglect of his duty as a member amounting to fraud.

plication.

(2) If, after giving the member concerned a reasonable opportunity for showing cause to the contrary, the authorised officer is satisfied that the loss, waste or misapplication of any money or other property of the Panchayat is a direct consequence of misconduct or wilful neglect on the part of such member, he shall, by order in writing, direct such member to pay to the Panchayat before a fixed date, the amount required to reimburse it for such loss, waste or misapplication:

Provided that no such order shall be made for bona fide or technical irregularities or mistakes of a member.

- (3) If the amount is not so paid, the authorised officer shall recover it as an arrear of land revenue and credit it to the Panchayat Fund.
- (4) An order of the authorised officer shall be subject to an appeal to the Chief Secretary if made within thirty days of the date of the order.
 - 52. (1) If, in the opinion of the Lieutenant-Governor, a Panchayat Dissolution of Panchavat.
 - (a) exceeds or abuses its powers, or

- (b) is incompetent to perform, or makes wilful and persistent default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or
 - (c) fails to levy the taxes leviable under this Regulation, or
- (d) persistently disobeys the order of the authorised officer made under sub-section (1) of section 50,

the Lieutenant-Governor may, by order published in the Official Gazette, dissolve the Panchayat and direct that it shall be reconstituted in the manner provided in this Regulation.

- (2) No order under sub-section (1) shall be passed without giving to the Panchayat a reasonable opportunity to render an explanation.
- (3) If a Panchayat is dissolved under sub-section (1), the following consequences shall ensue, namely:—
 - (a) all the members of the Panchayat shall, from the date specified in the order, cease to be members;
 - (b) all powers and duties of the Panchayat shall, during the period of dissolution of the Panchayat, be exercised and performed by such person or persons as the Lieutenant-Governor may appoint in this behalf.

Disputes between Panchayats. 53. If any dispute arises between two or more Panchayats, it shall be referred to the Lieutenant-Governor, and his decision thereon shall be final.

Lieutenant-Governor may call for proceedings. 54. The Lieutenant-Governor may call for and examine the record of the proceedings of any officer or Panchayat for the purpose of satisfying himself as to the legality or propriety of any order passed and may revise or modify the order as he may deem fit.

CHAPTER VI

MISCELLANEOUS

Power of entry.

55. The authorised officer may authorise any of his officers to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any Panchayat or any work in progress under its direction.

Bar of action against Panchayat, etc. and previous notice before natitution.

- 56. (1) No action shall lie against any member, officer, employee or agent of a Panchayat in respect of anything done in good faith under this Regulation or any rule or bye-law made thereunder.
- (2) No action shall be brought against any Panchayat or any member, officer, employee or agent of such Panchayat for anything done or

purporting to be done under this Regulation, until the expiration of two months next after notice in writing has been left or delivered at the office of the Panchayat and also at the residence of the member, officer, employee or agent thereof against whom the action is intended to be brought. The notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to bring the action

- (3) Every such action shall be commenced within six months after the accrual of the cause of action and not afterwards.
- 57. Every member of a Panchayat and every officer and employee Members, maintained by or employed under a Panchayat shall be deemed to be etc. of Panchayat a public servant within the meaning of the provisions of the law to be public relating to disciplinary action in force in the Union territory of Goa, Daman and Diu.
- 58. No member of a Panchayat or other officer having any duty to Members to perform in connection with any sale under this Regulation shall refrain from directly or indirectly bid for, or acquire any interest in, any property at sales. sold at such sale.
- 59. The Lieutenant-Governor may, by notification and subject to Delegation such restrictions and conditions as may be specified therein, authorise of powers. the Chief Secretary or any other officer subordinate to the Lieutenant-Governor to exercise in respect of Panchayats any of the powers which may be exercised by the Lieutenant-Governor under this Regulation except the power to make rules under section 65 and the power to frame bye-laws under section 66.
- 60. Every police officer shall give immediate information to the Powers and Panchayat of an offence coming to his knowledge which has been duties of police in committed against this Regulation or any rules made thereunder and respect of shall assist all members and employees of the Panchayat in the assistance to exercise of their lawful authority.
- 61. Every Panchayat shall classify and preserve its records in the Classification manner prescribed.

 and preservation of records.
- 62. Every Panchayat shall, on application made to it by any person Inspection interested, allow inspection of its records, and grant certified copies and copies of records. thereof on payment of the prescribed fee.
- 63. The provisions of this Regulation shall have effect notwithstand. Effect of ing anything inconsistent therewith contained in any other law in force in the Union territory of Goa, Daman and Diu

Removal of difficulties.

64. If any difficulty arises in giving effect to the provisions of this Regulation, the Lieutenant-Governor may, by order, make such provision as may appear to him to be necessary or expedient for removing the difficulty.

Power to make rules.

- 65. (1) The Lieutenant-Governor may, by notification, make rules to carry out the purposes of this Regulation.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—
 - (a) the meetings of the Gram Sabha and notice of such meetings;
 - (b) the preparation and publication of electoral rolls and the conduct of elections to the Panchayat;
 - (c) the form of application disputing elections and the procedure for holding inquiry into election disputes;
 - (d) the conduct of meetings of Panchayats and the procedure for moving resolutions and putting questions at meetings of Panchayats;
 - (e) the appointment, powers, duties and conditions of service of the Secretary and other officers and employees of a Panchayat;
 - (f) the appointment of committees and their powers and functions;
 - (g) the form of notices to be issued and the manner of their service:
 - (h) the organisation of the village volunteer force and the fee that may be levied for watch and ward services;
 - (i) the manner of holding inquiries;
 - (j) the manner of filing appeals and hearing of such appeals;
 - (k) the custody and investment of Panchayat Fund;
 - (1) the imposition and assessment of taxes and the realisation of taxes, fees and other dues;
 - (m) the form of demand notices and the manner of their service;
 - (n) the form of accounts to be maintained by Panchayats and of the annual budget estimates;
 - (o) the manner of audit of the accounts of Panchayats;

- (p) the fees for licences granted under this Regulation;
- (q) the fees to be levied by Panchayats for copies of documents and the procedure to be followed in furnishing such copies;
 - (r) any other matter which has to be or may be prescribed.
- 66. (1) Subject to the provisions of this Regulation and the rules Power to make byc-made thereunder, the Lieutenant-Governor may frame bye-laws— laws.
 - (a) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health;
 - (b) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place;
 - (c) to prevent damage to public streets;
 - (d) to regulate sanitation, conservancy and drainage in the area within the jurisdiction of the Panchayat;
 - (e) to prohibit or regulate the use of public streets or other public places by shop-keepers;
 - (f) to regulate the manner in which tanks, ponds and cess pools, pasture lands, play-grounds, manure pits, land for disposal of dead bodies and bathing places shall be maintained and used; and
 - (g) to regulate any other duties or functions of a Panchayat.
- (2) Any bye-law made under sub-section (1) may provide that a contravention thereof shall be punishable with fine which may extend to rupees ten and in the case of a continuing contravention, with fine which may extend to rupees two for each day during which the contravention continues
- 67. Portaria No. 7575, dated 23-7-1959 and any other law in force Repeal. immediately before the commencement of this Regulation in the Union territory of Goa, Daman and Diu corresponding to this Regulation shall, as from such commencement, stand repealed except as respects things done or omitted to be done thereunder.

Validation of acts done previous to the commencement of this Regulation. 68. All things done, and all steps taken, before the commencement of this Regulation with a view to facilitating the provisional preparation of electoral rolls for the purpose of elections to Panchayats in the Union territory of Goa, Daman and Diu shall, in so far as they are in conformity with the provisions of this Regulation, be deemed to have been done or taken under this Regulation as if it was in force at the time such things were done or such steps were taken.

THE FIRST SCHEDULE

FORM OF OATH OF OFFICE

(See section 22)

THE SECOND SCHEDULE

MATTERS WITHIN THE JURISDICTION OF PANCHAYATS

(See section 31)

I.—Sanitation and Public Health

- Sanitation and conservancy.
- (2) Removal of rubbish and keeping the area of the village in clean condition.
- (3) Supply of water for domestic use.
- (4) Construction of hospitals and dispensaries.
- (5) Maternity and child welfare.
- (6) Establishment of health institutions for poor children.
- (7) Family planning.
- (8) Provision, maintenance and regulation of burning and burial grounds.
- (9) Regulation by licensing or otherwise of tea, coffee and milk shops and other shops where eatables are served.

- (10) Construction and maintenance of public latrines.
- (11) Regulating, checking and abating of offensive or dangerous trade or practice.

II.—Public Works

- (1) Construction, repair and maintenance of village roads, drains, bridges, etc.
- (2) Lighting of village and planting of trees.
- (3) Establishment and maintenance of markets, slaughter houses and other works of public utility.
- (4) Establishment, maintenance and regulation of fairs.
- (5) Construction, maintenance and control of tonga-stands, cart-stands, bathing and washing ghats and cattle pounds.
- (6) Extension of village sites and the regulation of buildings and housing schemes in accordance with such principles as may be prescribed.

III.—PLANNING AND DEVELOPMENT

Preparation and implementation of plans for the development of the village, including the development of agriculture, animal husbandry, fisheries, village industries and co-operatives, and especially—

- (a) production and distribution of improved seeds, manure and fertilizers;
- (b) promoting the use of improved agricultural implements and making such implements easily available;
- (c) minor irrigation, construction and maintenance of field channels, lift irrigation, digging of wells and tanks, etc.;
- (d) raising, preservation and improvement of village forests, pastures and orchards;
- (e) improvement of cattle and cattle breeding and general care of live-stock;
- (f) providing for organisation, management and development of cottage and small scale industries, especially on a cooperative basis;
- (g) promotion of co-operative farming.

IV.—ADMINISTRATION

- (1) Administration of common property.
- (2) Registration of births, deaths and marriages in such manner and in such form as may be prescribed.

- (3) Numbering of premises.
- (4) Preparation, maintenance and upkeep of Panchayat records.

V.—Social Welfare

- (1) Relief to the crippled and the destitute.
- (2) Construction of low rent houses to families with yearly income below one thousand rupees.
- (3) Preventive and relief measures in times of public calamity.
- (4) Promotion of moral and social welfare activities and encouraging and assisting voluntary organisations and other agencies engaged in such activities.

VI.—Education and Culture

- (1) Promotion of primary education and assistance in improvement of primary schools.
- (2) Establishment and maintenance of parks, clubs, akhadas and other places of recreation for the villagers, including women and children.
- (3) Establishment and maintenance of libraries and reading rooms.

S. RADHAKRISHNAN, President.

R. C. S. SARKAR. Secy. to the Govt. of India.



of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

NEW DELHI, MONDAY, SEPTEMBER 24, 1962/ASVINA 2, 1884 No 45]

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 24th September 1962/Asvina 2, 1884 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS DRAMATIC PERFORMANCES REGULATION, 1962

No. 10 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to provide for the control of public dramatic performances in the Union territory of Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him: -

1. (1) This Regulation may be called the Andaman and Nicobar Short title, Islands Dramatic Performances Regulation, 1962.

extent and commence-

- (2) It extends to the whole of the Union territory of the Andaman ment. and Nicobar Islands.
 - (3) It shall come into force at once.
 - 2. In this Regulation, unless the context otherwise requires,—

Definitions.

- (1) "objectionable performance" means any play, pantomime or other drama-
 - (a) which is likely to—
 - (i) incite any person to resort to violence or sabotage for the purpose of overthrowing or undermining the

(313)

Government established by law in India or in any State thereof or its authority in any area; or

- (ii) incite any person to commit murder, sabotage or any offence involving violence; or
- (iii) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or
- (iv) incite any section of the citizens of India to acts of violence against any other section of the citizens of India; or

(b) which-

- (i) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class; or
- (ii) is grossly indecent, or is scurrilous or obscene or intended for blackmail.

Explanation I.—A performance shall not be deemed to be objectionable merely because in the course thereof words are uttered, or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

Explanation II.—In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole.

- (2) "public place" means any building or enclosure, or any place in the open air and any pandal where the sides are not enclosed to which the public are admitted to witness a performance.
- Power to prohibit objectionable performances.
- 3. (1) Whenever the Chief Commissioner is satisfied that any play, pantomime or other drama performed or about to be performed in a public place is an objectionable performance, he may by order stating the grounds on which he considers the performance objectionable prohibit the performance.
 - (2) No order under sub-section (1) shall be passed without giving a reasonable opportunity to the organizer or other principal persons responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place to show cause why the performance should not be prohibited.

- (3) Every order made under sub-section (1) shall be published in the Official Gazette.
- (4) Any order made under sub-section (1) may also be notified by proclamation and a written or printed notice thereof may be affixed at any place or places adopted for giving information of the order to the persons intending to take part in the performance so prohibited.
- 4. (1) The Deputy Commissioner may, if he is of opinion that any Power to play, pantomime or other drama performed or about to be performed, jectionable being of the nature specified in section 2, is likely to lead to a breach performances of the peace, by order stating the grounds for such opinion, prohibit temporarily. its performance.

Provided that the Deputy Commissioner may review any order made under this sub-section on an application made by the person or party affected by such order.

(2) Subject to any order made by the Court on appeal under section 10, an order under this section shall remain in force for two months from the making thereof:

Provided that the Deputy Commissioner may, if he is of opinion that the order should continue in force, by such further order or orders as he may deem fit, extend the period aforesaid by such further period or periods not exceeding two months at a time as may be specified in such order or orders.

5. A copy of the order made under sub-section (1) of section 3 or Service of under sub-section (1) or sub-section (2) of section 4, may be served prohibition. personally or in such other manner as may be prescribed by rules made under section 13, on the organizers or other principal persons responsible for the conduct of, or any person about to take part in. the performance so prohibited or on the owner or occupier of the public place, in which such performance is intended to take place.

6. Any person on whom a copy of the order referred to in section Penalty for 3 or section 4 is served and who does, or willingly permits, any act disobeying order. in disobedience of such order, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

7. (1) Any person who, after the publication of an order under Penalty for sub-section (3) of section 3, or during the period when an order disobeying made under sub-section (1) or sub-section (2) of section 4, is in force organizes or is responsible for the conduct of, or who with the knowledge that such an order under section 3 or section 4 is in force takes part in the performance prohibited thereby or any performance substantially the same as the performance so prohibited, shall, on conviction be punished with imprisonment for a term

which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any person who being the owner or occupier, or having the use of any public place, opens, keeps or uses the same for any performance prohibited under section 3 or section 4, or permits the same to be opened, kept or used for any such performance, shall on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Power to call for information.

- **8.** (1) For the purpose of ascertaining the character of any intended play, pantomime or other drama, the Chief Commissioner or such officer as he may empower in this behalf, may, by order, require the organizers or other principal persons responsible for the conduct of, or other persons about to take part in, such play, pantomime or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed, to furnish such information as the Chief Commissioner or such officer may think necessary.
- (2) Every person so required shall be bound to furnish the information to the best of his ability within the time specified in such order and in case of contravention shall be deemed to have committed an offence under section 176 of the Indian Penal Code, 1860.

45 of 1860.

- Power to or purport of drama, etc.
- 9. (1) If the Chief Commissioner or Deputy Commissioner has call for copy reason to believe that an objectionable dramatic performance is about to take place, he may, by order, direct that no such dramatic performance shall take place in any public place within any area. unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime. has been furnished, not less than seven days before the performance. to the Chief Commissioner or the Deputy Commissioner, as the case may be.
 - (2) A copy of any order made under sub-section (1) may be served on the owner or occupier of the public place in which such performance is intended to take place, and if thereafter he does or willingly permits, any act in disobedience of such order, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

10. (1) Any person aggrieved by an order under sub-section Appeal to High Court. (1) of section 3, or under sub-section (1) or sub-section (2) of section 4 may, within sixty days of the publication of such order under sub-section (3) of section 3 or, as the case may be, within sixty days of the date on which an order under sub-section (1) or sub-section (2) of section 4, is made, prefer an appeal to the High Court and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from, and may pass such consequential or incidental orders as may be necessary!

- (2) Every such appeal shall be heard by a Bench of not less than two Judges.
- 11. Where no order under section 3 or section 4 has been made Saving of in respect of any performance, nothing in this Regulation shall bar a prosecution under other 45 of 1860. prosecution under the Indian Penal Code, 1860 or any other law. laws.
 - 12. No suit, prosecution or other legal proceeding shall be Protection instituted against any authority or officer for anything which is in done in good faith done or intended to be done under this Regulation or any good faith, rule made thereunder.
 - 13. The Chief Commissioner may, by notification in the Official Power to make rules. Gazette, make rules to carry out the purposes of this Regulation.
 - 14. The Dramatic Performances Act, 1876, in so far as it applies Repeal of to the Union territory of the Andaman and Nicobar Islands is hereby 1876. repealed.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.



EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 47]

NEW DELHI, MONDAY, OCTOBER 29, 1962/KARTIKA 7, 1884

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 29th October, 1962/Kartika 7, 1884 (Saka)

THE GOA, DAMAN AND DIU (BANKS RECONSTRUC-TION) REGULATION, 1962

No. 11 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to provide for the reconstruction of the branches of the Banco Nacional Ultramarino in Goa, Daman and Diu and of the Caixa Economica de Goa in the interests of the general public.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Goa, Daman and Diu Short title and cem(Banks Reconstruction) Regulation, 1962.

(2) It shall be deemed to have come into force on the 20th December, 1961.

2. In this Regulation, unless the context otherwise requires,—

Definitions.

- (a) "appointed day" means the 20th December, 1961;
- (b) "Banks" mean-
- (i) the branches of the Banco Nacional Ultramarino in Goa, Daman and Diu, and

- (ii) the Caixa Economica de Goa;
- (c) "Banco Nacional Ultramarino" means the institution established and working under that name with its head office in Lisbon;
- (d) "Caixa Economica de Goa" means the institution established and working under that name with its head office at Panjim in Goa;
- (e) "Custodian" means a Custodian appointed under section 4 and includes any person appointed as Custodian by the Administrator of Goa, Daman and Diu before the promulgation of this Regulation;
- (f) "Goa, Daman and Diu" means the Union territory of Goa, Daman and Diu;
- (g) "pay" includes emoluments of every description expressed in terms of money but does not include any bonus or any contribution to a pension fund or to a provident fund;
- (h) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934.

2 of 1934,

Reconstruction of Banks in public interest. 3. In view of the closure of the Banks and the transfer of a substantial portion of their assets out of India on or about the appointed day and the difficulties experienced by depositors, the Banks shall, as from that day, be reconstructed in the interests of the general public in accordance with the provisions hereinafter contained.

Appointment of Custodian.

- 4. (1) The Central Government may appoint one or more Custodians to take charge of the Banks.
- (2) A Custodian appointed under sub-section (1) shall hold office for such period and shall receive such salary and other allowances as may be determined by the Central Government.
- (3) The Central Government may, for the purposes of securing the proper management of the affairs of the Banks, give to the Custodian such directions not inconsistent with this Regulation as it may deem fit.
- (4) Subject to the provisions of sub-section (3), the Custodian shall exercise all such powers and do all such acts or things as were exercised or done by or on behalf of the Banks or as may be necessary for the purposes of this Regulation.

Vesting of assets, etc., of Banks in the Custo-dian.

5. (1) As from the appointed day, all properties and assets, all rights, powers, claims, demands, interests, authorities and privileges and all obligations and liabilities of the Banks shall, subject to the other provisions of this Regulation, stand transferred to and vest in the Custodian.

- (2) Without prejudice to the generality of the provisions of subsection (1), all contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which either of the Banks is a party or which are in favour of either of the Banks shall be effective against or in favour of the Custodian and may be enforced or acted upon as fully and effectually as if he had been a party thereto or as if they had been issued in his favour.
- (3) If, on the appointed day, any suit, appeal or other legal proceeding of whatever nature by or against either of the Banks is pending, the same shall not abate, or be discontinued or be in any way prejudicially affected, but may, subject to the other provisions of this Regulation, be continued, prosecuted and enforced by or against the Custodian.
- (4) Notwithstanding anything contained in this section, the assets and liabilities of the branches of the Banco Nacional Ultramarino in Goa, Daman and Diu in respect of any currency notes issued by the former Portuguese administration in India or the Banco Nacional Ultramaring exclusively for circulation in Goa, Daman and Diu shall be transferred to and vest in the Central Government.
- 6. (1) For the purposes of enabling the Custodian to discharge the Loans by obligations imposed on him under this Regulation, the Central Gov-Government. ernment may, after due appropriation made by Parliament by law in this behalf, grant to the Custodian such loans on account of either of the Banks as it may deem fit.

(2) The terms and conditions on which such loans may be granted shall be determined by the Central Government from time to time, and it shall be competent for the Central Government, if it is necessary so to do, to adjust any loan or any portion thereof against any subsidy which the Central Government may, after due appropriation made by Parliament by law in this behalf, grant to the Custodian for discharging the liabilities and obligations of the Banks or of either of them.

CHAPTER II

RECONSTRUCTION OF BRANCHES OF BANCO NACIONAL ULTRAMARINO

7. (1) The branches of the Banco Nacional Ultramarino shall Regulation remain closed until such date as may be notified in this behalf by the of the Custodian and no documents or assets in the custody of the said branches of branches shall be released except to the extent and on the terms and the Banco conditions authorised by the Custodian.

Ultramarino,

(2) Nothing in sub-section (1) shall prohibit the Custodian from realising at any time after the appointed day any debts or other amounts due to the said branches including any debts or other amounts due from the head office of the Banco Nacional Ultramarino.

Special provisions in relation to suits by or against the Custodian.

- 8. (1) If for the prosecution of any suit, appeal or other legal proceeding by the Custodian in any court it is necessary to produce any document or other particulars and the said document or particulars are proved to the satisfaction of the court to have been removed to Portugal or to any of the territories under Portuguese control, it shall be lawful for the court, in disposing of the suit, appeal or other legal proceeding, to base its decree or decision on the books of account of the branches of the Banco Nacional Ultramarino in Goa, Daman and Diu and on the evidence which can be otherwise produced.
- (2) Any suit, appeal or other legal proceeding may be instituted or filed by or against the Custodian at any time before the 1st day of April, 1963, if the period of limitation prescribed for such suit, appeal or other proceeding has expired not earlier than the appointed day and not later than the 31st day of December, 1962.

Provision for the discharge of liabilities. 9. As from the date notified by the Custodian under sub-section (1) of section 7, payments shall be made against the liabilities of the branches of the Banco Nacional Ultramarino that stand transferred to and vest in the Custodian under sub-section (1) of section 5 in accordance with the provisions of this Regulation, but the Custodian or any officer subordinate to him shall not be competent to receive at any of the said branches any fresh deposits of money from the public repayable on demand or otherwise and withdrawable by cheque, draft order or otherwise.

Liabilities to be discharged in full.

- 10. On or after the date notified under sub-section (1) of section 7, the following liabilities of the branches of the Banco Nacional Ultramarino shall, subject to the directions, if any, issued by the Central Government in this behalf, be paid or discharged in full, namely:—
 - (i) all revenues, taxes, cesses and rates due from the said branches to the Central Government or to a local authority in Goa. Daman and Diu;
 - (ii) all wages or salary (including wages payable for time or piece-work and salary earned wholly or in part by way of commission) of any employee;
 - (iii) the amounts of any drafts, mail transfers, telegraphic transfers, cheques or pay orders issued by the said branches, the proceeds of any bills or cheques received by the said branches for collection before, on or after the appointed day and remaining unpaid;

- (iv) the amounts of any drafts, mail transfers, telegraphic transfers, cheques or pay orders issued to or drawn on the said branches before, on or after the appointed day and remaining unpaid;
- (v) any liabilities of the nature of trust liabilities other than those specified in clause (iii) or clause (iv);
- (vi) all liabilities, including the liabilities on account of deposits, due to any person:

Provided that—

- (a) no amount shall be payable under this section to a Portuguese national or to any person resident in any of the territories under Portuguese control unless such payment has been specifically authorised by the Central Government;
- (b) no payment shall be made under this section to the Caixa Economica de Goa, or the Junta de Comercio Externo or any organisation which on the appointed day was financed wholly by the former Portuguese administration in India;
- (c) if there is any doubt whether any liability is of the nature of a trust liability for the purposes of this Regulation, the Custodian shall refer the matter to the Reserve Bank, whose decision shall be final and binding on the parties concerned: and
- (d) save as otherwise provided in section 13, no payment shall be made on account of any pension which, having been sanctioned, was payable immediately before the appointed day and was the liability of the Banco Nacional Ultramarino or the branches thereof in Goa, Daman and Diu or on account of any retirement benefit to any of the employees of the said bank or the said branches.

11. The liabilities, including deposit liabilities, which are not pay- Discharge of able in accordance with the provisions of section 10 shall be readjust-litics. ed in the manner indicated below, namely:—

- (a) in respect of the Government, every person including the Calxa Economica de Goa and the Junta de Comercio Externo and every organisation financed wholly by the former Portuguese administration in India, there shall be opened a collection account into which shall be credited all the amounts due to the Government or such person or organisation, as the case may be, as on the appointed day;
- (b) payment shall be made against the said accounts as and when the assets recoverable from the head office or other offices

of the Banco Nacional Ultramarino or from the Portuguese Government are realised:

Provided that no payment shall be made under this section to a Portuguese national or to any person resident in any of the territories under Portuguese control, unless such payment has been specifically authorised by the Central Government or unless the assets recoverable from the head office or other offices of the Banco Nacional Ultramarino or from the Portuguese Government, as the case may be, have been recovered or realised in full:

Provided further that if the amounts available for payment at any time are not adequate, payments shall be made pro rata in respect of all the accounts for which payments are to be made.

Payment to be made from specified branch. 12. The payments to be made under section 10 and the payments to be made from the collection accounts to be opened under section 11, and any other payments made by the Custodian shall be made at the Panjim branch of the Banco Nacional Ultramarino or any other branch specified in this behalf by the Custodian.

Payment of pension, etc., due to employees.

13. (1) The Custodian shall, if authorised by the Central Government so to do, pay the pension or other retirement benefit due to any person, being an Indian citizen, who immediately before the appointed day was in receipt of any such pension or benefit from the Banco Nacional Ultramarino or its branches in Goa. Daman and Diu, and shall in the case of an employee, being an Indian citizen, whose services are deemed to have been terminated under section 16, determine, with the approval of the Central Government, the retirement benefits which may be due to that person and make payments accordingly:

Provided that if no pension or other benefit is admissible to any employee whose services are deemed to have been terminated under section 16, there shall be paid to him a gratuity at the rate of fifteen days' pay for every year of service, subject to a maximum of one thousand rupees.

(2) If any provident, superannuation, gratuity or other fund has been maintained at the head office of the Banco Nacional Ultramarino for the benefit of the employees or if the amount of any pension or other retirement benefit is due from the said office to the said employees, the Custodian shall be entitled to recover the assets available in that fund or the amount due from the said office, as the case may be, and to set off any amount so recovered against the payments made under sub-section (1) provided that if the amount recovered is in excess of the sum total of the payments made under sub-section (1), the Custodian shall determine the share from out of such excess

which may be due to the several employees and shall distribute that share to them or to their nominees or heirs.

14. The Central Government shall, on the expiry of twelve years, Final proand may, at any time before such expiry, direct that the books of respect of account and affairs of the branches of the Banco Nacional Ultramarino assets and in Goa, Daman and Diu shall be inspected by the Reserve Bank or by such other agency as the Central Government may determine and that a report on the basis of such inspection shall be made and the Central Government may, after considering the said report, direct the winding up of the affairs of the said branches on such terms and conditions to be specified by that Government which shall, as far as practicable, be in consonance with the provisions relating to winding up of a banking company under the Banking Companies Act, 1949.

IO of 1949.

15. No claim for interest on any amounts due to be paid or any Interest not liabilities remaining to be discharged as on the appointed day shall able after as from that day lie against the branches of the Banco Nacional Ultra- appointed marino in Goa, Daman and Diu or against the Custodian.

16. Notwithstanding anything to the contrary contained in any Retrenchcontract of service or any other instrument, the services of the employees of the branches of the Banco Nacional Ultramarino in Goa, Daman and Diu shall stand terminated after the 31st January, 1962, provided that nothing in this section shall prohibit the Custodian at any time from re-employing in the service of the said branches any of the retrenched employees on such terms and conditions as he may deem fit.

CHAPTER III

Provision in respect of Caixa Economica de Goa

17. Notwithstanding anything to the contrary in any decree, law No person or other instrument, no person shall be required to deposit or to keep red to make deposited any sum in the Caixa Economica de Goa.

any deposit.

18. The Custodian shall discharge in full all the liabilities of the Liabilities Caixa Economica de Goa:

to be discharged in full.

Provided that no amount shall be payable under this section to a Portuguese national or to any person resident in any of the territories under Portuguese control unless such payment has been specifically authorised by the Central Government.

19. Notwithstanding anything to the contrary in any contract of Retrenchservice or any other instrument, the Custodian may, if he is satisfied ment of that it is necessary so to do, terminate with the approval of the Central Government, the services of any of the employees of the

Caixa Economica de Goa after giving to them one month's notice or one month's pay in lieu of such notice.

Terminal benefits to staff.

20. Save as otherwise provided in section 21, every employee shall, on the termination of his appointment, be entitled to any retiring pension or other benefits calculated in accordance with the rules, orders or other conditions of service which were applicable to him immediately before the appointed day:

Provided that if no pension or other benefit is admissible to any employee who is retrenched in accordance with such rules, orders or other conditions of service, there shall be paid to him a gratuity at the rate of fifteen days' pay for every year of service, subject to a maximum of one thousand rupees.

Provision in relation to superannua-tion fund.

- 21. (1) As from the appointed day, no amount shall be credited to any superannuation fund and no recoveries for credit to any such fund shall be made from the employees without the permission of the Central Government.
- (2) Having regard to the assets available in any superannuation fund, which was maintained for the benefit of the employees, the Central Government or if it so requires, the Custodian shall, with the assistance of an actuary or any other qualified expert, determine the extent to which and the manner in which the assets of the fund should be distributed among the beneficiaries, and notwithstanding any contract or other instrument or any right of the beneficiaries, express or implied, the said determination shall be final and binding on them, and the assets of the fund shall be distributed accordingly.

Residuary power in relation to Caixa Economica de Goa.

- 22. The Central Government may, if it is necessary at any time so to do, direct that the books of account and affairs of the Caixa Economica de Goa shall be inspected by the Reserve Bank or by such other agency as may be determined by that Government, and that a report on the basis of such inspection shall be made and the Central Government may, after considering the said report,—
 - (i) prohibit the Custodian from receiving fresh deposits; or
 - (ii) direct the winding up of the affairs of the bank on such terms and conditions to be specified by that Government which shall, as far as practicable, be in consonance with the provisions relating to winding up of a banking company under the Banking Companies Act, 1949.

10 of 1949.

CHAPTER IV MISCELLANEOUS

Certain claims barrd.

23. (1) No person shall be entitled to make any demand against the Custodian or either of the Banks except to the extent provided for in this Regulation and no person shall have any right, whether in

contract or otherwise, to any compensation for any loss incurred by reason of the operation of any of the provisions of this Regulation.

(2) If before the appointed day any movable property was pledged or hypothecated to or left for safe custody with either of the Banks and if the said property was, on or before the appointed day, removed to any place outside India, the Custodian shall not be liable for the restoration of the said property or for any payment on account of the surplus or other value thereof unless the said property has been actually recovered by him:

Provided that if there is any loss in the value of, or damage to, the property between the appointed day and the date on which it is recovered by the Custodian, he shall not be liable on account of any such loss or damage.

- (3) No suit or other legal proceeding shall lie against the Custodian or the Central Government for anything which is in good faith done or intended to be done in pursuance of the provisions of this Regulation.
- 24. If any difficulty arises in giving effect to any of the provisions Power to of this Regulation, the Central Government may, by order, do any-culty. thing not inconsistent with such provisions which may appear to it to be necessary for the purpose of removing the difficulty.

25. The decrees, rules or orders issued by the former Portuguese Repeal. administration in India in relation to the Banco Nacional Ultramarino or the Caixa Economica de Goa shall as from the appointed day cease to be in force to the extent they are inconsistent with the provisions of this Regulation except as regards things done or omitted to be done before that day under the said decrees, rules or orders.

 Nothing in this Regulation shall be deemed to prejudice, alter Savins. or affect in any manner the right of the Custodian to recover on behalf of the branches in Goa, Daman and Diu of the Banco Nacional Ultramarino or of the Caixa Economica de Goa, as the case may be. any amounts due to the said branches or the said institution from the head office of the Banco Nacional Ultramarino in Lisbon or from the Government of Portugal.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy, to the Govt. of India.

The Gazette



of **Endia**

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 51]NEW DELHI, THURSDAY NOVEMBER 22, 1962/AGRAHAYANA 1, 1884

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 22nd November, 1962/Agrahayana 1, 1884 (Saka)

THE GOA, DAMAN AND DIU (LAWS) REGULATION, 1962

No. 12 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to extend certain laws to the Union territory of Goa, Daman and Diu.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- 1. (1) This Regulation may be called the Goa, Daman and Diu Short title (Laws) Regulation, 1962.
 - (2) It shall come into force at once.
 - 2. In this Regulation, unless the context otherwise requires,- Definitions.
 - (a) "Act" means an Act or the Ordinance specified in the Schedule;
 - (b) "Goa, Daman and Diu" means the Union territory of Goa, Daman and Diu;
 - (c) "Lieutenant-Governor" means the Administrator of Goa, Daman and Diu.

Extension with amendments of certain laws to Goa, Daman and Diu and their commencement therein.

- 3. (1) The Acts, as they are generally in force in the territories to which they extend, shall extend to Goa, Daman and Diu, subject to the modifications, if any, specified in the Schedule.
- (2) Notwithstanding anything contained in sub-section (1) or in the relevant provision, if any, of each such Act for the commencement thereof, the provisions of each such Act shall come into force in Goa, Daman and Diu on such date as the Lieutenant-Governor may, by notification in the Goa, Daman and Diu Gazette, appoint:

Provided that different dates may be appointed for different provisions of any Act and for different areas and any reference in any such provision to the commencement of the Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

Repeal and saving.

- 4. (1) Any law in force in Goa, Daman and Diu or any area there-of corresponding to any Act referred to in section 3 or any part thereof shall stand repealed as from the coming into force of such Act or part in Goa, Daman and Diu or such area, as the case may be.
 - (2) Nothing in sub-section (1) shall affect—
 - (a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or
 - (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or
 - (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
 - (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made:

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, patent permit or licence granted, or registration effected) under any such law, shall be deemed to have been done or taken under the corresponding provision of the Act extended to Goa, Daman and Diu and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

5. (1) All rules, notifications, orders, regulations and bye-laws Extension of made or issued by the Central Government under the provisions of rules, orders, any Act generally for the territories to which such Act extends certain laws. shall, as from the commencement of the provisions of such Act in Goa, Daman and Diu, extend to, and come into force in Goa, Daman and Diu-

(2) Notwithstanding anything contained in sub-section (1), no rules, notifications, orders, regulations and bye-laws made or issued by the Central Government under the following Acts, namely:—

4 of 1884.

(i) The Indian Explosives Act, 1884,

30 of 1934.

(ii) The Petroleum Act, 1934,

18 of 1947.

(iii) The Imports and Exports (Control) Act, 1947,

20 of 1052.

(iv) The Inflammable Substances Act, 1952,

10 of 1955.

(v) The Essential Commodities Act, 1955.

shall extend to, and come into force in Goa, Daman and Diu unless the Central Government, by notification in the Official Gazette, otherwise directs.

6. (1) In any Act or in any of the rules, notifications, orders, Rules of regulations and bye-laws made or issued thereunder and extended to Goa, Daman and Diu by this Regulation,-

construction.

(a) any reference to any provision of law not in force, or to any functionary not in existence, in Goa, Daman and Diu shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory:

Provided that-

- (i) if any question arises as to who such corresponding functionary is, or
- (ii) if there is no such corresponding functionary, the Lieutenant-Governor shall decide as to who such functionary will be and his decision shall be final;
- (b) any reference to the State Government shall be construed as a reference to the Central Government and also as including a reference to the Lieutenant-Governor;

5 of 1898.

(c) until the Code of Criminal Procedure, 1898, is brought into force in that Union territory and Magistrates are appointed

thereunder, any reference to a Magistrate shall be construed as a reference to the District Judge; and

- (d) any reference to the High Court shall, until the jurisdiction of the High Court at Bombay is extended to that Union territory, be construed as a reference to the High Court functioning therein immediately before the commencement of this Regulation.
- (2) For the purpose of facilitating the application in relation to Goa, Daman and Diu of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it in such manner not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

Trial of offences.

7. Until the relevant provisions of the Code of Criminal Procedure, 1898, are brought into force in Goa, Daman and Diu, all offences 5 of 1898, under any Act shall be investigated, inquired into, tried and otherwise dealt with according to the provisions of the corresponding law in force in Goa, Daman and Diu.

Power to remove difficulties. 8. If any difficulty arises in giving effect in Goa, Daman and Diu to the provisions of any Act extended by this Regulation to that Union territory, the Central Government may, by order in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.

THE SCHEDULE

(See section 2)

Year				No.	Short title	Modifications
1				2	3	4
1838				19	The Coasting-Vessels Act, 1838.	
1857	•			13	The Opium Act, 1857.	
1860				21	The Societies Registration Act, 1860.	
1860			•	45	The Indian Penal Code.	
1861		•		5	The Police Act, 1861.	
1867	•	•		25	The Press and Registration of Books Act, 1867.	
1878				I	The Opium Act, 1878.	
1 878			•	8	The Sea Customs Act, 1878.	
1881	٠	٠	•	16	The Obstructions in Fairways Act, 1881.	After the words, figures and letters "in the territories which, immediately before the 1st November, 1956, were comprised in Part A States and Part C States" wherever they occur, insert "or in tory of Goa, Daman and Diu".
1881			•	26	The Negotiable Instruments Act, 1881,	tory of Goa, Danian and Dia .
₁ 883				19	The Land Improvement Loans Act, 1883,	
1 884 1 884				4	The Indian Explosives Act, 1884.	
r 884				12	The Agriculturists' Loans Act, 1884.	
1888				3	The Police Act, 1888.	
1890				1	The Revenue Recovery Act, 1890.	

Year				No.	Short title	Modifications	
I				2	3	4	ļ
1890	•			9	The Indian Railways Act, 1890.		
1897				4	The Indian Fisheries Act, 1897.		1
1897	•			10	The General Clauses Act, 1897.		
1898		•		5	The Code of Criminal Procedure, 1898.		}
1898				9	The Live-stock Importation Act, 1898.		1
1903				7	The Indian Works of Defence Act, 1903.		Įj.
1905				4	The Indian Railway Board Act, 1905.		ji
1908				6	The Explosive Substances Act, 1908.		li
1908				15	The Indian Ports Act, 1908.		
1910				9	The Indian Electricity Act, 1910.],
1911				2	The Indian Patents and Designs Act, 1911.		
1917				I	The Inland Steam-vessels Act, 1917.		
1917				5	The Destruction of Records Act, 1917.		
1920		-		15	The Indian Red Cross Society Act, 1920.		
1920	•			34	The Indian Passport Act, 1920.		
1922				7	The Indian Emigration Act, 1922.		
1922	•	•	-	22	The Police (Incitement to Disaffection) Act, 1922.		ſ
1923		•	•	5	The Indian Boilers Act, 1923.		ĺ
1923	•	•		8	The Workmen's Compensation Act, 1923.		İİ
1923		•		19	The Indian Official Secrets Act, 1923.		li
1924				4	The Central Board of Revenue Act, 1924.		

Year				No.	Short title	Modifications	
I				2	3	4	il İ
1925				19	The Provident Funds Act, 1925.		
1925	•	•	•	26	The Indian Carriage of Goods by Sea Act, 1925.		
1926			•	16	The Indian Trade Unions Act, 1926.		
1927	•		•	17	The Indian Lighthouse Act, 1927.		
1930		•		2	The Dangerous Drugs Act, 1930.		i)
1931	•	•	•	16	The Provisional Collection of Taxes Act, 1931.	i	
1934	•	•		22	The Aircraft Act, 1934.		
1934	•	•		30	The Petroleum Act, 1934.		
1934	•			32	The Indian Tariff Act, 1934.		
1936		•		4	The Payment of Wages Act, 1936.	1	
1938	•	•	•	4	The Insurance Act, 1938.	In section 118, clause (a), add at the end: "; or	
						(iv) any fund in existence in the Union territory of Goa, Daman and Diu on the 20th December, 1961 and maintained by or on behalf of Government servants or Government pensioners or on behalf of employees of any autonomous body and intended for the mutual benefit of contributors to the fund or for any other purpose."	
1938	٠		٠	5	The Manoeuvres, Field Firing and Artillery Practice Act, 1938.	• • • •	ا کور

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- g vi	THE GAZETTE OF INDIA EXTRAORDINARY
	[Part II

Year				No.	Short title	Modifications
I				2	3	4
1939	•	,	,	4	The Motor Vehicles Act, 1939.	In the Sixth Schedule, after the entry relating to the Laccadive, Minicoy and Amindivi Islands, insert:
T020				16	The Registration of Foreigners Act, 1939.	"Goa, Daman and Div GDD".
1939	•	•	•			
1941	•	•	•	11	The Sential Services Maintenance Ordinar	nce,
1942	•		•	6	The Multi-Unit Co-operative Societies Act, 1942.	
1944				I	The Central Excises and Salt Act, 1944.	
1944				18	The Public Debt Act, 1944.	
1946			•	20	The Industrial Employment (Standing Orders) Act, 1946.	r-
1946	•	•		25	The Delhi Special Police Establishment Ac 1946.	t,
1946				31	The Foreigners Act, 1946,	
1947				2	The Prevention of Corruption Act, 1947.	
1947				7	The Foreign Exchange Regulation Act,	
1947				14	The Industrial Disputes Act, 1947,	
1947	•	•		15	The Armed Forces (Emergency Duties) Act, 1947.	
1947				18	The Imports and Exports (Control) Act, 1	1947.
1947				29	The Capital Issues (Control) Act, 1947.	
1947				31	The Antiquities (Export Control) Act, 1947.	

Year				No.	Short title	Modifications	
I				2	3	4	
1948	•	•	•	15	The Industrial Finance Corporation Act, 1948.		
1948				31	The National Cadet Corps Act, 1948.		
1948	•			56	The Territorial Army Act, 1948.		
1949				8	The Seaward Artillery Practice Act, 1949.		
1950	•	•	•	12	The Emblems and Names (Prevention of Improper Use) Act, 1950.		
1950	•	•	•	40	The Army and Air Force (Disposal of Private Property) Act, 1950.		
1950				45	The Air Force Act, 1950.		
1950				46	The Army Act, 1950.		
1950				49	The Contingency Fund of India Act, 1950.		
1951	•	•	•	65	The Industries (Development and Regulation) Act, 1951.		
1952			•	20	The Inflammable Substances Act, 1952.		
1952	•			35	The Mines Act, 1952.		,
1952				53	The Notaries Act, 1952.		
1952			•	60	The Commissions of Inquiry Act, 1952.		
1953				27	The Air Corporations Act, 1953.		
19 5 4	ı	•	•	27	The Delivery of Books and News papers (Public Libraries) Act, 1954.		
1955	•	•		10	The Essential Commodities Act, 1955.		
1955	•	•	•	16	The Medicinal and Toilet Preparations (Excise Duties) Act, 1955.		

(c) reference to the 1st day of December, 1949 in sub-section (4) of section 89 shall be construed as a

Year				No.	Short title		Modifications
I				2	3	•	4
1955	•	•		22	The Untouchability (Offences) 1955.	Act,	
1955	•	•	•	51	The Railway Stores (Unlawful Po	ssession)	•
1956				I	The Companies Act, 1956 .		(i) After section 2, insert:
							'2A. Construction of certain references in the application of Act to Goa. Daman and Diu.—In the application of this Act to the Union territory of Goa. Daman and Diu— (a) the expression "commencement" wherever it is used in relation to this Act as enacted in 1956 or in relation to the Companies (Amendment) Act, 1960, means the commencement of this Act in that Union territory;
							(b) references to the dates specified in sections 37(1) and (2), 125(1), 294(3) (a), 295(6) and 618, and the first proviso to section 284(1) shall be construed as references to the commencement of this Act in that Union territory;

Үеаг		No.	Short title	Modifications
I		2	3	4
				reference to the 1st day of April,
				(a) reference to the 15th day of August, 1956 in sub-section (4) of section 325 shall be construed as a reference to the 31st day of March, 1963;
				(c) references to the 15th day of August, 1960 in section 330 and sub-section (1) of section 332 shall be construed as references to the date of expiry of two years from the commencement of this Act in that Union territory;
				(f) reference to the 1st day of March, 1958 in section 361 shall be construed as a reference to the 1st day of March, 1964.";
				(ii) in section $3(I)(ii)$, after sub-clause (2) of clause (f) insert:
				(3) in the Union territory of Goa, Daman and Diu or any part thereof, before the commencement of this Act therein;":
956 .	,	48	The National Highways Act, 1956.	mereni, :
956 .		74	The Central Sales Tax Act, 1956.	

Year				No.	Short title	Modifications
1				2	3	4
956	•	• ,	•	89	The Standards of Weights and Measures Act, 1956.	
1957				14	The Copyright Act, 1957.	İ
957		•		23	The Railway Protection Force Act, 1957.	j
957	•	•	•	58	The Additional Duties of Excise (Goods of Special Importance) Act, 1957.	
957				62	The Navy Act, 1957.	
1957	٠	٠	•	67	The Mines and Minerals (Regulation and Development) Act, 1957.	In section 16, sub-section (1), and in section 30A, for "granted before the 25th day of October, 1949" substitute "granted in the Union territory of Goa, Daman and Diu, before the commencement of this Act therein and elsewhere, before the 25th day of October, 1949".
958	٠	•	•	21	The Rice Milling Industry (Regulation) Act, 1958.	3333 333 233 23
958	•	•		24	The Ancient Monuments and Archaeological Sites and Remains Act, 1958.	
958	•	•	•	27	The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958.	
958	•	•	•	43	The Trade and Merchandise Marks Act, 1958.	
958		•	•	44	The Merchant Shipping Act, 1958.	
959				54	The Arms Act, 1959.	
960		•		60	The Children Act, 1960,	
1961				23	The Criminal Law Amendment Act, 1961.	

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Year				No.	Short title		Modifications	SEC.
I				2	3		4	=
1961		•	•	47	The Deposit Insurance Corporation 1961.	Act,		THE
1859	•	•	•	24	The Madras District Police Act, 1859.	(i)	In the long title, for the words "within the territories subject to the Presidency of Fort St. George", substitute "within the Union territory of Goa, Daman and Diu".	E GAZETTE
						(ii)	In the preamble and in section 8, for the words "Madras Presidency" substitute "Union territory of Goa, Daman and Diu".	OF INDIA
						(iii)	Omit section 12.	Ā
						(iv)	In sections 42 and 43, for the words "Madras Fire Services", substitute "Fire Services in the Union territory of Goa, Daman and Diu".	EXTRAORDINARY
						(v)	In section 43, omit "either" and "or under section 62-A of the Madras City Police Act, 1888".	RDINA
						(vi	Omit section 54A and the Schedule.	RY
1924	•	٠	•	IV	The Punjab Motor-Vehicles Taxation 1924.	Act, (i)	In the long title, preamble, section $I(2)$ and section $I_5(2)(c)$ for "Punjab" substitute "the Union territory of Goa, Daman and Diu".	
						(ii) In section 3, sub-section (1), for the words "at the rate specified in the Schedule	

Year	No.	Short title	'Modifications
I	2	3	4
			to this Act" substitute "at such rate, not exceeding the rate specified in the Schedule to this Act, as the State Government may by notification specify".
			(iii) In section 4,—
			(a) in sub-section (1), for "before the 30th day of April, 1925" substitute "before the expiry of 30 days from the commencement of this Act" and for "10th day of April, 1925" substitute "commencement of this Act".
			(b) in the proviso to sub-section (2), for "10th day of April, 1925" substitute "commencement of this Act".
			(iv) In section 12, for the words "to the Com- missioner" substitute "to such other officer as the State Government may specify in this behalf" and for the words "or

¹961 . . . XXIV The Maharashtra Co-operative Societies Act, (i) Throughout the Act,—

1960.

(a) for the words "State of Maharashtra" substitute "Union territory of Goa, Daman and Diu";

Commissioner" substitute "or the other

(v) In section 15, sub-section (2), clause (i), for "State" substitute "Union territory".

officer so specified".

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Year	No.	Short title	Medifications
1	2	3	4
			(b) for the word "State" (except where it occurs in the expression "State Government" and except in Chapter V and section 159) substitute "Union territory";
			(c) for the words "Official Gazette" substitute "Goa, Daman and Diu Gazette".
			(ii) In section 2, in clause (30), for the words "Maharashtra State Co-operative Tribunal" substitute "Goa, Daman and Diu Co-operative Tribunal".
			(iii) Omit sections 14 and 18.
			(iv) In Chapter V, for the words "State Government" wherever they occur, substitute "Central Government".
			(v) Omit section 101.
			(vi) In section 111, omit clause (m).
			(vii) In section 149, in sub-section (1), for the words "Maharashtra State Co-operative Tribunal" substitute "Goa, Daman and Diu Co-operative Tribunal".

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Year	No.	Short title	Modifications
I	2	3	4
			(viii) In section 159,—
			(a) in sub-section (1), for the word "in any other State" substitute "else where in India";
			(b) in sub-section (2), for the words "in any other State" substitute "elsewhere in India", for the words "Maharashtra State" in the two places where the occur, substitute "Union territory o Goa, Daman and Diu" and for the words "Registrar of the State" substitute "Registrar of the State or Union territory".
			(ix) In section 165, omit sub-section (4).
			(x) Omit section 166.
			S. RADHAKRISHNAN, President.

R. C. S. SARKAR, Secy. to the Goot. of India.

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The Gazette



of **India**

EXTRAORDINARY PART II-Section 1 PUBLISHED BY AUTHORITY

No 59] NEW DELHI, MONDAY DECEMBER 10, 1962/AGRAHAYANA 19, 1884

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 10th December, 1962/Agrahayana 19, 1884 (Saka)

THE NAGALAND (TRANSITIONAL PROVISIONS) AMENDMENT REGULATION, 1962

No. 13 OF 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to amend the Nagaland (Transitional Provisions) 2 of 1961. Regulation, 1961.

> In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:-

1. (I) This Regulation may be called the Nagaland (Transitional Short title Provisions) Amendment Regulation, 1962.

and commencement.

- (2) It shall come into force at once.
- 2. In section 3 of the Nagaland (Transitional Provisions) Regula- Amendtion, 1961 (hereinafter referred to as the principal Regulation), for ment of sub-section (4), the following sub-section shall be substituted, namely:---

"(4) The Interim Body shall, as soon as may be, choose one member of that Body to be the Chairman and another to be the Deputy Chairman thereof and, so often as the office of Chairman or Deputy Chairman becomes vacant, the Interim Body shall choose another member to be the Chairman or Deputy Chairman, as the case may be.".

Substitusection for section 7.

3. For section 7 of the principal Regulation, the following section tion of new shall be substituted, namely:-

Resignation of office by Chairman, Deputy Chairman or other members.

- "7. (1) The Chairman, the Deputy Chairman or any other member of the Interim Body may resign his office by giving notice in writing to the Governor.
- (2) A casual vacancy caused by the resignation of the Chairman, the Deputy Chairman or any other member under subsection (1) or for any other reason shall be filled by fresh election.".

Amendment of section 9.

4. In sub-section (2) of section 9 of the principal Regulation, for the words "the Chairman shall have a casting vote", the words "the Chairman, or when the Deputy Chairman presides, the Deputy Chairman, shall have a casting vote" shall be substituted.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.

The Eazette

of Andia

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 2] NEW DELHI, FRIDAY, FEBRUARY 15, 1963/MAGHA 26, 1884

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 15th February, 1963/Magha 26, 1884 (Saka)

THE GOA, DAMAN AND DIU SCHEDULED GOODS (MOVEMENT CONTROL) REGULATION, 1963

No. 1 of 1963

Promulgated by the President in the Fourteenth Year of the Republic of India.

A Regulation to provide for the control of movement of certain goods out of the Union territory of Goa, Daman and Diu.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- 1. (1) This Regulation may be called the Goa, Daman and Scheduled Goods (Movement Control) Regulation, 1963.

 Diu Short title, extent and commence-
- (2) It extends to the whole of the Union territory of Goa, Daman ment.
 - (3) It shall come into force at once.
 - 2. In this Regulation, unless the context otherwise requires,— Definitions.
 - (a) "Lieutenant-Governor" means the Administrator of the Union territory of Goa, Daman and Diu;
 - (b) "Official Gazette" means the Goa, Daman and Diu Gazette;

- (c) "prescribed" means prescribed by rules made under this Regulation,
- (d) "scheduled goods" means the goods specified in the Schedule.

Control of movement of scheduled Goa, Daman and Diu.

3. No person shall take or cause to be taken any scheduled goods out of the Union territory of Goa, Daman and Diu to any goods out of place in any part of India:

> Provided that where the circumstances of any case so require, the Lieutenant-Governor may allow any scheduled goods to be taken out of the Union territory under and in accordance with the terms and conditions of a special permit to be granted by him in that behalf.

Omission of goods from Schedule.

4. The Lieutenant-Governor may, by notification in the Official Gazette, omit any of the scheduled goods from the Schedule and thereupon this Regulation shall cease to apply in respect of the goods so omitted except as respects things done or omitted to be done under this Regulation before the omission of such goods from the Schedule.

Penalty.

- 5. (1) If any person contravenes the provisions of section 3 or any of the terms and conditions of the permit granted under the proviso to that section, he shall be punishable with fine which may extend to one thousand rupees.
- (2) Any goods in respect of which such contravention has been committed shall be liable to confiscation.
 - (3) Such confiscation may be adjudged-
 - (a) without limit, by the Director of Customs Services;
 - (b) where the value of the goods does not exceed one thousand rupees, by any other officer authorised in this behalf by the Lieutenant-Governor.
- (4) Any person aggrieved by any such adjudication of confiscation may, within three months from the date of the communication to him of such adjudication, appeal to the Lieutenant-Governor, and any order passed thereon by the Lieutenant-Governor shall be final and shall not be called in question in any court.
- (5) No prosecution for an offence under this Regulation shall be instituted except by, or with the written consent of, the Lieutenant-Governor or any person authorised in this behalf by the Lieutenant-Governor.

Power to make rules.

6. (1) The Lieutenant-Governor may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-
 - (a) the search of any person or any place (including any conveyance) for the purpose of finding out whether any scheduled goods are in the possession of such person or being kept in such place or conveyance with a view to their being taken out of Goa, Daman and Diu;
 - (b) the seizure of any goods found upon such search or in respect of which there is reason to suspect that any contravention of this Regulation has been, or is being, or is about to be committed, along with the package, covering or receptacle, if any, in which such scheduled goods are found;
 - (c) the officer or authority by whom such search or seizure may be made;
 - (d) the levy of fees on applications for permits and on memoranda of appeals under this Regulation;
 - (e) any other matter which has to be prescribed or in respect of which the Lieutenant-Governor deems it necessary to make rules under this Regulation.
- 7. The Lieutenant-Governor may, by notification in the Official Delegation Gazette, direct that any powers exercisable under this Regulation or any rule made thereunder (other than the powers conferred on the Lieutenant-Governor by section 4, section 6 and this section) shall. in such circumstances and under such conditions as may be specified in the notification, be exercisable also by any person specified in the notification.

THE SCHEDULE

[See section 2(d)]

- 1. Ball-point pens over Rs. 25 each.
- 2. Butter.
- 3. Cameras.
- 4. Camphor.
- 5. Cheese.
- 6. Celluloid and gelatine material.

- 7. Cotton textiles of the following varieties:-
 - Twill and Sateen Italians, Super Mulls, Umbrella cloth, Fine Lawns and Muslins, Organdies, Poplins, Bretonne nets, Voiles, Lappets, Satin drills and jeens, Cambrics, Corduroys, Limbrics and fashion prints, i.e., prints with permanent synthetic resin finishes designed to give properties like crease resistance, abrasion resistance and permanent glaze.
 - 8. Cutlery excepting safety razors and blades.
 - 9. Fabrics made mainly or wholly from synthetic fibres.
 - 10. Fishing nets and yarn.
 - 11. Foodstuffs, tinned.
 - 12. Foodstuffs, sundry.
 - 13. Fountain pens over Rs. 25 each.
 - 14. Liquors, wines, spirits and all other alcoholic beverages.
 - 15. Meat tinned.
 - 16. Mechanical lighters and flints for lighters.
 - 17. Milk (powdered and condensed).
 - 18. Motor cycles.
 - 19. Motor vehicles, cars and trucks.
 - 20. Paper for printing and wrapping for cigarettes.
 - 21. Radios and transistors
 - 22. Refrigerators.
 - 23. Spices.
 - 24. Tape recorders.
 - 25. Time-pieces.
 - 26. Toilet powder, lotion and perfumery.
 - 27. Watches.
 - 28. Gold, diamonds and manufactures of gold and diamonds.
 - 29. Identifiable parts of the above-mentioned items which are banned for import into India.

S. RADHAKRISHNAN, President.

R. C. S. SARKAR, Secy. to the Govt. of India.

The Gazette



of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 3] NEW DELHI, SATURDAY, MARCH 2, 1963/PHALGUNA, 11, 188 4

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 2nd March, 1963/Phalguna 11, 1884 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS LAND DEVELOPMENT SCHEMES REGULATION, 1963

Improvement.

No. 2 OF 1963

Promulgated by the President in the Fourteenth Year of the Republic of India.

A Regulation to provide for the preparation and execution of land improvement schemes including schemes for the conservation and improvement of soil resources, the prevention or mitigation of soil erosion, the protection of land against damage by floods or drought, and the reclamation of waste land in the Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him.

CHAPTER I PRELIMINARY

- 1. (1) This Regulation may be called the Andaman and Nicobar Short title, Islands Land Improvement Schemes Regulation, 1963.
- (2) It extends to the whole of the Union territory of Andaman ment. and Nicobar Islands.
- (3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.
 - 2. In this Regulation, unless the context otherwise requires, Definitions.
 - (1) "Area Committee" means the Area Land Improvement Committee constituted under section 11;

- (2) "Board" means the Andaman and Nicobar Islands Land Improvement Board constituted under section 8;
- (3) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;
- (4) "Deputy Commissioner" means the Deputy Commissioner of the Andaman and Nicobar Islands and includes any other officer specially appointed by the Chief Commissioner to perform the functions of a Deputy Commissioner under this Regulation;
- (5) "erosion" means the removal or displacement of earth stones or other materials by the action of wind or water;
- (6) "Executive Officer" means an officer appointed under section 18 to execute a scheme;
- (7) "Inquiry Officer" means an officer appointed under subsection (5) of section 14;
- (8) "Official Gazette" means the Andaman and Nicobar Gazette;

(9) "owner",-

- (a) in relation to land situated in the Andaman Group of Islands means a person to whom a grant has been made or a licence or permit has been granted, under the Andaman and Nicobar Islands (Land Tenure) Regulation, 1926 and includes a mortgagee with possession, or a lessee or sub-lesses
- (b) in relation to land situated in the Nicobar Group of Islands means a person who is in lawful possession any land;
- (10) "prescribed" means prescribed by rules made under this Regulation;
- (11) "reclamation" includes cultivation, afforestation or any other improvement of land;
- (12) "scheme" means a Land Improvement Scheme prepared under this Regulation;
- (13) "waste land" means any land, which for a period not less than three consecutive years has been lying waste account of water-logging, salinity, accumulation of sand, grown of weeds, soil erosion or any other cause, or has been lying cultivated;
- (14) "work" means any work constructed, erected or carried out under a scheme and includes a pasture or forest provided a raised under a scheme;
- (15) the expressions "cattle", "forest-produce", "timber" "tree" have the meanings respectively assigned to them in Indian Forest Act, 1927.

CHAPTER II

NOTIFICATION OF AREAS AND CONTROL OVER THEM

- 3. Whenever it appears to the Chief Commissioner that in any Notification area it is desirable to provide for the conservation of sub-soil water of areas. or the prevention or mitigation of erosion of lands, the Chief Commissioner may, by notification in the Official Gazette, declare the area to be a notified area for the purposes of this Regulation.
- 4. In respect of any notified area or part thereof, the Chief Com-Power to missioner may, by order published in the Official Gazette, regulate, restrict restrict or prohibit-

certain

areas.

- (a) the clearing or breaking up of land for cultivation or matters the cultivation of land: notified
 - (b) the quarrying of stone or the burning of lime:
- (c) the cutting of trees and timber or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (b), of any forest produce for any purpose;
 - (d) the setting on fire of trees, timber or forest-produce:
- (e) the admission, herding, pasturing or retention of cattle or any class or description of cattle; and
- (f) the grant of permits to the inhabitants of towns and villages situated within the limits or in the vicinity of the area specified in the order-
 - (i) to take any tree, timber, or forest-produce for their own use; or
 - (ii) to pasture cattle; or
 - (iii) to erect buildings in such areas and the production and return of such permits by such persons.
- 5. (1) Upon the publication of an order under section 4, the Proclamation of order Deputy Commissioner shall cause to be published in every village under or town in which any part of the area specified in such order is section 4 and admissituated a proclamation (in Hindi and English and in such other sion of language as the Deputy Commissioner may consider necessary) as claims for provided in sub-section (2).

compensa-

- (2) The proclamation referred to in sub-section (1) shall contain the terms of the order and shall also require every person claiming any compensation in respect of any right, the exercise of which is restricted or prohibited by the order, to prefer his claim to the Deputy Commissioner with such particulars and within such period as may be prescribed.
- (3) Any claim not preferred within the prescribed period shall be rejected:

Provided that the Deputy Commissioner may allow a claim to be preferred after the expiry of the prescribed period if he is satisfied that the claimant had sufficient cause for not preferring the claim within such period.

Inquiries into claims and award of compensation.

- 6. (1) The Deputy Commissioner shall proceed to inquire in the prescribed manner into every claim preferred under section 5.
- (2) For the purposes of such inquiry, the Deputy Commissioner may exercise all or any of the powers of a civil court for the trial of suits under the Code of Civil Procedure, 1908.
- (3) The Deputy Commissioner shall, after such inquiry, make an award in writing with respect to each such claim, setting out therein, the following particulars, namely:—
 - (i) the person making the claim;
 - (ii) the nature and extent of the right claimed;
 - (iii) the extent to which the claim is upheld;
 - (iv) the amount of compensation awarded and the persons to whom it is payable.
- (4) The Deputy Commissioner shall give notice in the prescribed manner of his award to claimants or their representatives and to persons to whom compensation is payable.

Method of awarding compensation.

- 7. (1) In determining the amount of compensation, the Deputy Commissioner shall be guided, so far as may be, by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894, and as regards matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case.
- (2) The Deputy Commissioner may, with the sanction of the Chief Commissioner and the consent of the person entitled, instead of money compensation, award compensation in land or by reduction of revenue or in any other form.
- (3) If in any case, the exercise of any right is prohibited or restricted for a time only, compensation shall be awarded only in respect of the period during which the exercise of such right is so prohibited or restricted.

CHAPTER III

CONSTITUTION OF THE BOARD AND AREA COMMITTEE

Constitution of the Board.

- 8. (1) The Chief Commissioner may, for the purpose of carring out the provisions of this Regulation, constitute for the whole of the Andaman and Nicobar Islands a Board called the Andaman and Nicobar Islands Land Improvement Board.
 - (2) The Board shall consist of-
 - (a) the Deputy Commissioner who shall be the Chairman ex officio;

- (b) two members to be nominated by the Chief Commissioner:
 - (c) the Conservator of Forests, ex officio;
 - (d) the Principal Engineering Officer, ex officio;
 - (e) the Director of Agriculture, ex officio;
- (f) the Secretary and Financial Adviser to Chief Commissioner, ex officio.
- (3) Such officer as may be nominated by the Chief Commissioner in this behalf shall be the Secretary to the Board.
- (4) The Chief Commissioner may, from time to time, either suo motu or on the advice of the Board, appoint any other person to be a member of the Board for such period as the Chief Commissioner may think fit.
- (5) The term of office of the members referred to in clause (b) of sub-section (2) shall be one year:

Provided that the term of office of a member nominated to fill a casual vacancy shall be for the remainder of his predecessor's term of office.

(6) If there is a difference of opinion amongst the members of the Board regarding any question under this Regulation, the decision of the majority of the members present shall prevail:

Provided that when their opinion is equally divided the Chairman shall have and exercise a casting vote.

- (7) A non-official member may, at any time by notice in writing to the Chairman, resign his office.
- (8) All communications and orders of the Board shall be issued by the Secretary or by such officer subordinate to him as may be authorised by the Board in this behalf.
- 9. The Chief Commissioner may, by order, direct the Board to Power of prepare plans and estimates for a scheme in respect of any notified Chief Commissioner to area or part thereof.

require Board to prepare scheme.

10. The functions of the Board shall be-

Functions of the Board.

- (a) to direct either at its own instance or on the order of the Chief Commissioner under section 9, the preparation by the Area Committee of schemes;
- (b) to consider and approve the schemes prepared by the Area Committee:

- (c) to devise ways and means for the execution of the schemes approved by it; and
- (d) to perform such other functions as may be specified in this Regulation or in the rules made thereunder.

Constitution of Area Committee.

- 11. (1) As soon as may be, after the issue of a direction under section 9, the Board shall constitute a Committee called the Area Land Improvement Committee consisting of—
 - (i) the Assistant Commissioner in charge of the area;
 - (ii) an officer of the Government, other than the Assistant Commissioner, to be called the Land Improvement Officer;
 - (iii) a person nominated by the Board from amongst persons whose interests in the opinion of the Board may be affected by the proposed scheme; and
 - (iv) a person having special knowledge of the subject matter of the scheme.
- (2) The Assistant Commissioner shall preside over the meetings of the Area Committee.
- (3) The Land Improvement Officer shall be ex officio Secretary to the Area Committee.

Functions of Area Committee.

- 12. The functions of the Area Committee shall be-
 - (a) to make recommendations to the Board as to the area in the notified area for which schemes may be prepared;
 - (b) to prepare schemes for areas in the charge of the Assistant Commissioner;
 - (c) to perform such other functions pertaining to land improvement as may be specified in this Regulation or in the rules made thereunder; and
 - (d) to carry out the instructions issued by the Board from time to time.

CHAPTER IV

PREPARATION OF LAND IMPROVEMENT SCHEMES

Matters which a scheme may provide. 13. A scheme may provide for all or any of the following matters, namely:—

- (a) improvement of land;
- (b) conservation or improvement of sub-soil water or moisture or other soil or water resources;
 - (c) prevention or mitigation of soil erosion;

- (d) protection of land against damage by floods or drought;
- (e) reclamation of waste land;
- (f) improvement in the methods of cultivation and extension of cultivation;
- (g) construction of earth works and masonry works in fields, gullies and ravines, including construction of catch-water drains and contour bunding, wherever necessary;
- (h) control of the strips of land abutting the road serving as road margin;
 - (i) training of streams;
- (j) prohibition or control of grazing or reservation of land for pasture;
- (k) planting and preservation of trees, shrubs and grass for afforestation of uncultivable land or providing shelter belts or for any other purpose;
 - (1) regulation or prohibition of firing of vegetation;
 - (m) improvement of water-supply;
 - (n) sediment control;
 - (o) farm drainage;
 - (p) farm irrigation;
- (q) control of the strips of land forming swamps and spring sources; and
 - (r) any other matter which may be prescribed.
- 14. (1) On receipt of an order of the Chief Commissioner under power to section 9, the Board shall direct the Area Committee to prepare a direct prescheme for the area specified in the order.
- (2) In respect of any area in the Andaman and Nicobar Islands, other than the area referred to in sub-section (1), the Board may, if satisfied, whether on the recommendation of the Area Committee or otherwise, that it is necessary to do so, direct the preparation of a scheme.
- (3) On the issue of any direction under sub-section (1) or subsection (2), the Deputy Commissioner shall appoint an officer to prepare, in accordance with such instructions as he may issue, a draft scheme setting out—
 - (a) the objects of the scheme;
 - (b) the boundaries and approximate area of the lands to be included in the scheme;

- (c) the persons, including the Government, who will be affected by the scheme;
 - (d) the works, if any, to be carried out under the scheme:
- (e) the agency or agencies through which the works shall be carried out; and
 - (f) such other particulars as may be prescribed.
- (4) The draft scheme so prepared shall be submitted by the said officer to the Area Committee which shall forward it with its comments to the Board; the Board may approve the draft scheme with or without modifications or may reject it and prepare or cause to be prepared another draft scheme.
- (5) Whenever the Board approves any draft scheme, the Chief Commissioner shall appoint an officer called the Inquiry Officer for the purposes hereinafter specified.

Publication of draft scheme.

- 15. (1) Copies of every draft scheme approved by the Board, together with the connected maps and plans, if any, shall be forwarded to the Deputy Commissioner and shall be made available by him for inspection by the public free of charge in every village, and at the headquarters of the tehsil in which the lands proposed to be included in the draft scheme are situated, and at such places as the Deputy Commissioner may direct.
- (2) A general notice shall be published in the Official Gazette and in such other manner as the Deputy Commissioner may direct—
 - (a) intimating that the draft scheme has been prepared, that copies thereof have been kept and may be inspected by the public, free of charge, at the places specified in sub-section (1) and that copies of the draft scheme may be obtained on payment of the cost thereof, which shall be specified in the notice, from the Deputy Commissioner and also from such other Officer as may be specified in the notice;
 - (b) requiring all persons affected by the draft scheme who wish to object to it or to any part thereof, to submit their objections in writing to the Inquiry Officer or to appear before him and state their objections, within thirty days of the publication of the notice.
 - (3) Separate notices to the same effect shall also be served in the prescribed manner on all owners of the lands affected by the draft scheme and on all persons shown in the village records as interested in such lands, so far as such service may be practicable.

16. The Inquiry Officer shall inquire into the objections received Inquiry or recorded by him and submit them to the Area Committee together Consider with his report thereon and his recommendations, if any, for the objections modification of the draft scheme.

and submit report to Area Committee.

17. (1) After considering the objections and the report and recom- Power of mendations of the Inquiry Officer and any further report which the Board and Area Committee may require from him, the Area Committee shall Commissionforward the draft scheme to the Board with its comments.

er to sanction or reject draft

(2) The Board may sanction the draft scheme with or without modifications or may reject it and direct that in lieu thereof, a fresh draft scheme be prepared and submitted for its sanction:

Provided that it shall submit the draft scheme to the Chief Commissioner for his orders-

- (a) where the owners of more than fifty per cent. of the area of the lands included in the draft scheme other than Government lands have made objections to the draft scheme or part thereof;
- (b) where the draft scheme has been prepared in pursuance of an order of the Chief Commissioner under section 9.
- (3) Where a draft scheme is submitted to the Chief Commissioner under the proviso to sub-section (2), he may sanction the draft scheme with or without modifications or may reject it and direct that a fresh scheme be prepared and submitted for his sanction.
- (4) The scheme as sanctioned by the Board or the Chief Commissioner, as the case may be, shall be published in the Official Gazette and copies thereof shall be made available in every village and at the headquarters of the tehsil in which the lands included in the scheme are situated, at such places and in such manner as the Deputy Commissioner may direct.
- (5) On and from the date of its publication in the Official Gazette, the scheme shall come into force and shall have effect.
- (6) The Board may, for the purpose of carrying out the objects of the scheme which has come into force under sub-section (5) make bye-laws requiring any person or persons or the public generally to take certain action or to refrain from doing certain acts in respect of any matters supplementary and incidental to the scheme.

CHAPTER V

EXECUTION OF THE SCHEME

18. When a scheme comes into force, the Chief Commissioner shall Appointment appoint an officer, called the Executive Officer, to execute it. 1190 G of I Ex. -2

of Executive Officer.

Power to enforce scheme.

- 19. (1) Every owner of land included in the scheme shall pay the cost or part of the cost, as the case may be, of the works which under the scheme are carried out by the Government in his land at the cost or part of the cost of the owner.
- (2) If the owner of the land included in the scheme desires to carry out himself under technical guidance provided free by the Deputy Commissioner any works which under the scheme are to be carried out in his land by the Government at the cost or part of the cost of the owner, he shall give notice in writing to that effect to the Area Committee within thirty days of the publication of the scheme in the Official Gazette or in the village concerned whichever is later.
- (3) On receipt of such notice, the Area Committee shall inform the owner of the works which are to be carried out in his land and shall fix a date before which the owner shall carry out the works.
- (4) If such owner fails to carry out such work to the satisfaction of the Area Committee before the date fixed or within such further time as may be allowed or at any time intimates to the Area Committee in writing that he is unable to carry out any work before that date, the Committee may require the Executive Officer to carry out the work and recover the expenses incurred for the purpose from the owner in such manner as may be prescribed.
- (5) Where the owner of the land included in a scheme is the Government, the Department of the Andaman and Nicobar Islands administration which has the control or management of such land or the Executive Officer, if so directed in this behalf by the Area Committee, the Board or the Government shall carry out the works which the Government as the owner of the land is liable to carry out under the scheme.

Liability of persons whose lands are not included. 20. (1) If in consequence of any work carried out under the scheme, any person (including the Government) other than the owner of the land in which the work is done, is likely to be benefited, such person shall pay such amount and within such time as the Board may determine, to the owner of the land if the work is carried out by him, or to the Government if the work is carried out by the Executive Officer:

Provided that before any person is required to pay any such contribution, he shall be given a reasonable opportunity of making his representations, if any, in regard to the matter:

Provided further that any such contribution may be waived by the Government in whole or in part in respect of any work carried out in land owned by it.

(2) If default is made in the payment of such contribution within the time determined in that behalf in pursuance of sub-section (1), the Deputy Commissioner or any officer authorised by him in this behalf shall recover it from the defaulter and pay the same to the owner of the land in such manner as may be prescribed.

21. (1) Notwithstanding anything contained in this Regulation, Power of Government the Chief Commissioner may in the case of any scheme which has to carry out come into force under sub-section (5) of section 17, direct by notifica- works in a scheme. tion in the Official Gazette that any work under the scheme to be carried out by the owner of the lands shall be carried out by the Government and that the cost of such work shall be recovered in whole or in part from the owners of the lands included in the scheme in such proportion as the Chief Commissioner may fix having regard to the area or assessment or both of the lands included in the scheme.

(2) The cost directed to be recovered under sub-section (1) together with interest thereon at such rate as the Chief Commissioner may determine, shall be recoverable from the owners concerned in such number of equated annual instalments payable on the date appointed for the payment of the first instalment of land revenue as may be prescribed:

Provided that where a person commits default in the payment of any instalment, the entire unpaid balance shall become immediately payable.

CHAPTER VI

MAINTENANCE, REPAIR AND USE OF WORKS CARRIED OUT UNDER THE SCHEME

- 22. (1) The Executive Officer shall, on completion of the work Preparation of stateprepare a statement giving, for any specified area, the following ment. particulars, namely:-
 - (a) (i) the work done:
 - (ii) the cost thereof:
 - (iii) the total amount to be recovered from the owners:
 - (iv) the general rate per acre or per rupee of assessment per annum at which such amount is to be recovered from the owners:
 - (v) the period within which such amount is to be recovered;
 - (vi) the work which in his opinion shall be maintained and repaired individually or jointly and the name of every such person;
 - (b) if in the case of any survey number or sub-division of survey number, the owner is not liable to repair or maintain works therein, or if the cost is to be recovered from an owner at a rate other than the general rate, a list of such survey numbers or sub-divisions and the rate at which the cost is to be

recovered from the owner or owners of such survey numbers or sub-divisions;

- (c) a map showing the work carried out in the village;
- (d) such other matters as may be prescribed.
- (2) When a statement is prepared under this section, any rights and liabilities shown therein shall be entered in the record of rights or where there is no record of rights, in such village record and in such manner as may be prescribed and shall thereafter form part of such record of rights or such village record.

Obligations of persons to maintain and repair works.

- 23. (1) Every person shown in the statement prepared under section 22 as liable to maintain and repair any work shall, to the satisfaction of the Deputy Commissioner and within such time as that officer may fix, maintain and repair the work in his own land and in any other land in respect of which he is shown as liable in the said statement and shall undertake such follow up soil conservation practices as may be prescribed.
- (2) If any person fails to maintain or repair the work within the time fixed by the Deputy Commissioner under sub-section (1), the Deputy Commissioner shall himself get the work executed or repaired and shall recover the cost thereof from such person.
- (3) Any dispute as to the amount of the expenses shall be decided by the Deputy Commissioner and his decision thereon shall be final.

CHAPTER VII

RECLAMATION OF WASTE LAND

Order for taking possession of waste land.

- 24. (1) If the Board is satisfied that, for the purpose of executing any scheme of reclamation of waste land sanctioned under this Regulation, it is necessary that temporary possession of any waste land should be taken, it may, by order in writing, direct the Deputy Commissioner to take temporary possession of such land on behalf of the Government on such date as may be specified in that order.
- (2) The order shall be made in such form, and brought to the notice of the owner or owners of the land in such manner, as may be prescribed.
- (3) On the date specified in the order, the Deputy Commissioner or any other officer authorised by him in this behalf shall enter upon and take possession of the land on behalf of the Government.

Arrangement for reclamation.

- 25. When the land has been taken possession of, the officer appointed by the Chief Commissioner for the purpose may arrange for its reclamation,—
 - (a) by retaining it under his management for such period as he thinks fit; or

- (b) by settling it for such period and on such terms as may be fixed by the Board with the person or persons, who on the date of taking possession under section 24 were in lawful possession of the land or were entitled to such possession or, if any such person is dead, with his successor in interest; or
 - (c) by a combination of the methods aforesaid:

Provided that the total period for which the land is retained or settled under this section shall not exceed ten years.

26. No claim of the owner to any arrear of rent accrued or due Claim for in respect of the land for the period prior to the date of taking rent not to possession shall thereafter be enforced by any Court, whether in be enforced execution of a decree or otherwise, against the Government or against Government. any person holding the land under the Government or against the land

27. (1) When the reclamation of the land is, in the opinion of the Termination of posses-Deputy Commissioner, complete and in any case before the expiry sion on of the period of ten years from the date of taking possession, the completion of reclama-Deputy Commissioner shall, after making an inquiry in the prescribed tion. manner, by order in writing,-

- (a) declare that possession of the land shall be restored, on such date as may be specified in the order, to the owner who on the date of taking possession was in lawful possession of the land or was entitled to such possession or, if he is dead, to his successor in interest:
- (b) determine the person to whom possession is to be so restored:
- (c) where such person is a tenant, determine the rent payable on account of the use or occupation of the land; and
- (d) where the land or any part thereof has been afforested. regulate the cutting of trees in such land according to a working plan.
- (2) On the date specified in the said order, possession of the land shall be deemed to have been delivered by the Government under clause (b) of sub-section (1).
- (3) The delivery of possession of the land to the person determined under clause (b) of sub-section (1) shall be a full discharge of the Government from all liability in respect of such delivery, but shall not prejudice any right in respect of the land to which any other person may be entitled, by due process of law, to enforce against the person to whom possession of the land has been so delivered.

Compensation for period of possession.

- 28. (1) As soon as may be after the date of taking possession of the land, the Deputy Commissioner shall make an inquiry in the prescribed manner and determine—
 - (a) in respect of any land which on the said date was in the occupation of a tenant—
 - (i) the annual rent payable by him, and
 - (ii) the average net annual income, if any, after deducting the annual rent payable by him, derived by him during the three years immediately preceding the said date;
 - (b) in respect of any other land, the average net annual income, if any, without deducting any land revenue payable, derived by the owner during the three years immediately preceding the said date.
- (2) There shall be payable by the Government as compensation on the completion of every twelve months from the date of taking possession until the date referred to in sub-section (2) of section 27—
 - (a) in respect of such land as is referred to in clause (a) of sub-section (1), the amount determined under sub-clause (i) of that clause to the landlord and the amount determined under sub-clause (ii) thereof to the tenant, and
 - (b) in respect of any other land, the amount determined under clause (b) of sub-section (1) to the owner.
- (3) For the purposes of this section, "landlord" means the person under whom the tenant holds land and to whom the tenant is, or but for a special contract would be, liable to pay rent for that land, and any reference to an owner, landlord or tenant shall be deemed to include a reference to the predecessors and successors in interest of the owner, landlord or tenant.

Accounts.

29. The Secretary to the Board shall maintain in such form and in accordance with such rules as may be prescribed, an account of all receipts and payments by the Government in respect of the land, and the owner of the land or any other person having an interest therein, may, on payment of a fee of fifty naye paise, inspect such account.

Recovery of net expenditure incurred by Government.

- 30. (1) The net expenditure incurred by the Government on the reclamation of the land under the provisions of this Chapter or such part of that expenditure as the Chief Commissioner may, by general or special order, direct together with interest thereon calculated at the prescribed rate and in the prescribed manner, shall be recovered from the person to whom possession of the land is delivered by the Government under sub-section (2) of section 27.
- (2) The amount to be recovered under sub-section (1) from any person shall be decided by the Board.

CHAPTER VIII

MISCELLANEOUS

31. (1) Any person aggrieved by an order under section 6, section Appeals. 24, section 27, section 28 or sub-section (2) of section 30 may appeal to the Chief Commissioner within such period and in such manner as may be prescribed:

Provided that the Chief Commissioner may entertain an appeal after the expiry of the prescribed period if he is satisfied that the appellant was prevented by sufficient cause from filing it in time.

- (2) The Chief Commissioner may, after hearing the appeal, confirm, vary or reverse the order and pass such order in relation thereto
- (3) The order of the Chief Commissioner on such appeal, and where no appeal is preferred, the order which has not been appealed against, shall be final and shall not be called in question in any
- 32. (1) If any person contravenes any of the provisions of a Penalties. scheme which has come into force under sub-section (5) of section 17 or does any act which causes damage to any of the works carried out under the scheme or fails to fulfil any liability imposed upon him under section 19, he shall be punishable with imprisonment which may extend to one month, or with fine which may extend to five hundred rupees, or with both.
- (2) If any person contravenes any rule or bye-law made under this Regulation or any order or direction made or given under such rule or bye-law or resists or obstructs any person in the exercise or performance of any power, function or duty conferred or imposed upon him by or under this Regulation, he shall be punishable with fine which may extend to five hundred rupees.
- 33. All amounts due to the Government under this Regulation Amount due shall be recoverable in the same manner as arrears of land revenue. to Government, etc.

to be recovered as arrears of land revenue_

34. (1) Any officer or authority empowered to make an inquiry Procedure under this Regulation shall, where no specific provision has been and power at inquiries. made therefor, make the inquiry in the manner provided in any law relating to revenue inquiries and all the provisions contained in any such law shall, as far as may be, apply to an inquiry under this

(2) Any officer or authority referred to in sub-section (1) shall have the same powers of summoning and enforcing the attendance

of any person and examining him on oath and compelling the production of documents as are vested in Revenue Officers under the law referred to in that sub-section.

Power of entry into land.

- 35. (1) Any person authorised in writing in this behalf by the Board, the Area Committee or the Deputy Commissioner may, for the purpose of exercising any power or performing any function or duty conferred or imposed by or under this Regulation and after giving such notice as may be prescribed, to the owner, occupier or any person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.
 - (2) In particular, he may-
 - (a) take levels;
 - (b) dig or bore into the sub-soil;
 - (c) place, erect or make on any land any peg or mark including trenches or boundaries which he deems to be necessary;
 - (d) do all other acts necessary to ascertain whether the land is adapted for such purpose; and
 - (e) where otherwise the survey cannot be completed and the levels taken and peg mark or trenches put, cut down and clear away any part of the standing crop, fence or jungle but only to the extent necessary.
 - (3) Reasonable compensation in respect of any damage or injury caused to the property or rights of any person in carrying out any operations under the provisions of this section shall be paid to the person—
 - (a) where an agreement has been entered into with the person concerned, in accordance with that agreement; and
 - (b) where no such agreement is possible, by the Deputy Commissioner in accordance with the provisions of the Land Acquisition Act, 1894.

1_of 11

(4) Every person who is appointed or authorised to exercise any power or perform any function or duty conferred or imposed by or under this Regulation shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, and every person 45 of who is required to submit any opinion or particular shall be deemed to be legally bound to do so within the meaning of the said Code.

Continuance of liability for land revenue, rates and cesses. 36. The taking and retaining possession of any land on behalf of the Government under this Regulation shall not affect the liability of any person to pay land revenue, rate or cess in respect of such land for any period, whether before or after the date of taking possession.

1908

- 37. (1) Nothing in the Indian Registration Act, 1908, shall be Registration deemed to require the registration of any record, document, plan or ments or map prepared, made or sanctioned in pursuance of this Regulation in map in connection with any scheme which has come into force and any such with scherecord, document, plan or map shall for the purposes of section 48 mes not and 49 of the said Act, be deemed to be registered in accordance with the provisions of that Act.
- (2) Subject to such rules and to the previous payment of such fees as may be prescribed-
 - (a) all such records, documents, plans and maps shall be open to inspection of any person applying for such inspection; and
 - (b) copies of such records, documents, plans and maps and accounts maintained under section 29 shall be given to any person applying for such copies.
- 38. The Chief Commissioner, and subject to the control of the Delegation Chief Commissioner, the Board or the Deputy Commissioner, may of powers. delegate to any officer or authority subordinate to him or it, any of the powers, functions or duties conferred or imposed on him or it by or under this Regulation.
- 39. (1) Notwithstanding anything contained in this Regulation, the Power to Chief Commissioner may direct the preparation of a scheme providing prepare scheme in for any of the matters specified in section 13 in any area in which famine and he declares that a state of famine or scarcity prevails or in which in scarcity area. his opinion a state of famine or scarcity is likely to prevail.

- (2) On such direction the Board shall prepare, in accordance with such instructions as the Chief Commissioner may issue, a draft scheme containing the particulars specified in sub-section (3) of section 14 and submit it to the Chief Commissioner for his approval.
- (3) After the scheme is submitted to the Chief Commissioner for approval under sub-section (2), the provisions of this Regulation and the rules made thereunder shall, so far as may be, apply in respect of such scheme.
- 40. (1) The Chief Commissioner may, by notification in the Official Power to Gazette, make rules for the purpose of carrying into effect the provisions of this Regulation.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the following matters.
 - (a) all matters allowed or required by this Regulation to be prescribed:
 - (b) the manner in which the rights or liabilities shown in the statements prepared under section 22 shall be entered in the record of rights or village record;

- (c) the number of annual instalments, equated or otherwise, payable under sub-section (2) of section 20;
 - (d) the manner of giving notices under this Regulation.
- (3) The power to make rules conferred by this section shall, except on the first occasion of the exercise thereof, be subject to the condition of previous publication.

Power to make grant or advance 41. The Chief Commissioner may make a grant or advance a loan to any person for carrying out any work under any scheme on such terms and conditions as may be prescribed.

Protection of action taken in good faith.

- 42. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Regulation or any rule or bye-law made thereunder.
- (2) Save as otherwise expressly provided by or under this Regulation, no suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Regulation or any rule or bye-law made thereunder.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy to the Govt. of India.

The Gazette



of India

EXTRAORDINARY PART II-Section 1 PUBLISHED BY AUTHORITY

No. 8] NEW DELHI, SATURDAY, MARCH 30, 1963/CHAITRA 9,

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 30th March, 1963/Chaitra 9, 1885 (Saka)

THE TAXATION LAWS (EXTENSION TO UNION TERRITORIES) REGULATION, 1963

No. 3 of 1963

Promulgated by the President in the Fourteenth Year of the Republic of India.

A Regulation to extend certain laws relating to taxation to the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :-

- 1. (1) This Regulation may be called the Taxation Laws Short title (Extension to Union Territories) Regulation, 1963. and commence-
 - (2) It shall come into force on the 1st day of April, 1963.
 - 2. In this Regulation, unless the context otherwise requires,-

(a) "Act" means an Act specified in the Schedule;

(b) "Union territory" means any of the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry.

- 3. (1) The Acts specified in Part I of the Schedule shall extend to, Extension and come into force in, each of the Union territories of Dadra and with Nagar Haveli, Goa, Daman and Diu, and Pondicherry on the 1st day ments of of April, 1963, subject to the modifications, if any, specified in that certain
- (2) The Acts specified in Part II of the Schedule shall extend to, Union territories and come into force in, the Union territories of Goa, Daman and Diu, and their and Pondicherry on the 1st day of April, 1963, and shall, in their ment

ment. Definitions.

taxation laws to the

application to those territories and the Union territory of Dadra and Nagar Haveli, be subject to the modifications, if any, specified in that Part.

(3) Any reference in the provisions of any Act referred to in sub-section (1) or sub-section (2) to the commencement thereof shall, in relation to a Union territory, be construed as a reference to the 1st day of April, 1963.

Repeal and savings.

- 4. (1) Any law in force in a Union territory corresponding to any Act specified in the Schedule shall stand repealed on the 1st day of April, 1963.
- (2) Notwithstanding the repeal by sub-section (1) of any law referred to therein, that law shall continue to have effect in the Union territory for the purposes of the levy, assessment and collection of any tax or duty leviable under such law before the 1st day of April, 1963, except in so far as the income (including profits and gains) or property in respect of which such tax or duty is leviable is liable to assessment under any Act specified in the Schedule for the assessment year commencing on the 1st day of April, 1963, or for any subsequent year, and for any other purpose whatsoever connected with or incidental to such levy, assessment and collection:

Provided that any reference in any such law to an officer, authority, tribunal or court shall be construed as a reference to the corresponding officer, authority, tribunal or court appointed or constituted by or under the corresponding Act specified in the Schedule and if any question arises as to who the corresponding officer, authority, tribunal or court is, the decision of the Central Government thereon shall be final.

(3) Without prejudice to the provisions contained in sub-section (2), section 6 of the General Clauses Act, 1897, shall apply in relation 10 of to the repeal of any law referred to in sub-section (1) as if the law so repealed had been an enactment within the meaning of section 6 of that Act.

Extension of rules, orders, etc.

5. All rules, notifications and orders made or issued under the provisions of any Act shall, in so far as they do not extend to, and are not in force in, a Union territory immediately before the 1st day of April, 1963, extend to, and come into force in, that Union territory as from that date.

Rules of construetion.

6. (1) In any Act or in any of the rules, notifications or orders made or issued thereunder, any reference to any provision of law not in force or to any functionary not in existence in a Union territory shall be construed as a reference to the corresponding law in force or to the corresponding functionary in existence in that Union territory:

Provided that-

- (i) if any question arises as to who such functionary is, or
- (ii) if there is no such corresponding functionary,

the Central Government shall decide as to who such functionary will be and its decision shall be final.

- (2) For the purpose of facilitating the application in relation to a Union territory of any Act or any rule, notification or order made or issued thereunder, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.
- 7. If any difficulty arises in giving effect in any Union territory Power to to the provisions of any Act, or of any rule, notification or order difficulties. made or issued thereunder, the Central Government may, by general or special order published in the Official Gazette, make such provisions or give such directions as appear to it to be expedient or necessary for the removal of the difficulty.

THE SCHEDULE

Part I [See section 3(1)]

Year	No.	Short title	Modifications
1	2	3	4
1926	3	The Government Trading Taxation Act, 1926.	
1949	22	The Payment of Taxes (Transfer of Property) Act, 1949.	
1953	34	The Estate Duty Act, 1953.	In section 2, after clause (9), insert— '(9A) "High Court", in relation to the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu, means the High Court at Bombay;".

Year No. Short title Modifications

1 2 3 4

In clause (d) of sub-section (r) of section 3, insert at the end—

"and as if the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry had always been part of India".

In sub-section (1) of section 5, after the words "First Schedule to this Act", insert "and in the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry".

1957 27 The Wealth-tax Act,

In section 2-

 (i) in clause (h), omit the word "and" at the end of sub-clause (i) and after sub-clause (ii), insert—

"(iii) a company within the meaning of any law relating to companies for the time being in force in the Union territory of Dadra and Nagar Haveli, Goa, Daman and Diu, or Pondicherry and any association in any such Union territory, whether incorporated or not, which is declared by general or special order of the Board to be a company for the purposes of this Act;";

(ii) after clause (i), insert-

'(ia) "High Court", in relation to the Union territories of Dadra and Nagar Hayeli and Goa, Daman and Diu, means the High Court at Bombay;';

(iii) after clause (k), insert-

'(ka) "India" shall be deemed to include the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry—

(i) as respects any period, for the purposes of section 6; and

(ii) as respects any period included in the year ending with the valuation date, for the purpose of making any assessment for the assessment year commencing on the 1st day of April, 1963, or for any subsequent year;'.

In section 4, after sub-section (4), insert—

"(4A) Notwithstanding anything in sub-section (4), nothing contained

Year

Short title

Modifications

3

1

in clause (a) of sub-section (1) shall apply to any such transfer as is referred to therein made before the 1st day of April, 1963, by an individual who but for the extension of this Act to the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry, would not have been an assessee, and the value of any assets so transferred shall not be included in the computation of his net wealth."

In section 44, after the words "or a legal practitioner or a chartered accountant", insert "or any person who before the coming into force of this Act in the Union territory of Dadra and Nagar Haveli, Goa, Daman and Diu, or Pondicherry attended before an Income-tax authority in the said territory on behalf of any assessee otherwise than in the capacity of an employee or relative of that assessee,"

After section 46, insert-

"46A. Power to make exemption, etc., in relation to certain Union territories.—
If the Central Government considers it necessary or expedient so to do for avoiding any hardship or anomaly or removing any difficulty that may arise as a result of the application of this Act to the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry, or in the case of the Union territory of Pondicherry, for implementing any provision of the Treaty of Cession concluded between France and India on the 28th day of May, 1956, that Government may, by general or special order, make an exemption, reduction in rate or other modification in respect of wealth-tax in favour of any class of assets or in regard to the whole or any part of the net wealth of any assessee or class of assessees:

Provided that the power conferred by this section shall not be exercisable after the 31st day of March, 1967, except for the purpose of rescinding an exemption, reduction or modification already made.".

1958 18 The Gift-tax Act, 1958.

In section 2-

- (i) for clause (vii), substitute-
- "(vii) "company" means a company as defined in section 3 of the Companies Act, 1956, and includes—
- (a) a foreign company within the meaning of section 591 of that Act; and

Year No. Short title

Modifications

4

(b) a company within the meaning of any law relating to companies for the time being in force in the Union territory of Dadra and Nagar Haveli, Goa, Daman and Diu, or Pondicherry and any association in any such Union territory whether incorporated or not which is declared by general or special order of the Board to be a company for the purposes of this Act;';

(ii) after clause (xxiii), insert-

"(xxiiia) territories to which this Act extends shall be deemed to include the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry—

(a) as respects any period for the purposes of section 5; and

(b) as respects any period included in the previous year, for the purposes of making any assessment for the assessment year commencing on the 1st day of April, 1963, or for any subsequent year;'.

In section 28B, after clause (v), insert-

'(vi) in relation to the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu, the High Court at Bombay;

(vii) in relation to the Union territory of Pondicherry, the High Court at Madras'.

After section 46, insert-

"46A. Power to make exemption, etc., in relation to certain Union territories .-If the Central Government considers it necessary or expedient so to do for avoiding any hardship or anomaly or removing any difficulty that may arise as a result of the application of this Act to the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry, or in the case of the Union territory of Pondicherry, for implementing any provision of the Treaty of Cession concluded between France and India on the 28th day of May, 1956, the Central Government may, by general or special order, make an exemption, reduction in rate or other modification in respect of gift-tax in favour of any class of gifts or in regard to the whole or any part of the gifts made by any assessee or class of assessees :

Provided that the power conferred by this section shall not be exercisable after the 31st day of March, 1967, except for the purpose of rescinding an exemption, reduction or modification already made.".

PART II

[See section 3(2)]

Year	No.	Short title		Modifications
1	2	3		4
1961	43	The Income-tax	Act,	In section 2—

(i) after clause (25), insert-

(25A) "India" shall be deemed to include the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry,—

- (a) as respects any period, for the purposes of section 6; and
- (b) as respects any period included in the previous year, for the purposes of making any assessment for the assessment year commencing on the 1st day of April, 1963, or for any subsequent year;
- (ii) in clause (26)-
- (a) in sub-clause (i), for the brackets and words "(other than the State of Jammu and Kashmir)", substitute "[other than the State of Jammu and Kashmir and the Union territories specified in sub-clause (iii) of this clause]";
- (b) after sub-clause (ii), insert— "(iii) in the case of any of the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry, a company formed and registered under any law for the time being in force in that Union territory;".

In section 269, omit the word "and" at the end of clause (iv) and after clause (v), insert—

"(vi) in relation to the Union tersitories of Dadra and Nagar Haveli and Goa, Daman and Diu, the High Court at Bombay; and

(vii) in relation to the Union territory of Pondicherry, the High Court at Madras".

In section 288, in sub-section (2), after clause (vi), insert—

"(via) any person who, before the coming into force of this Act in the Union territory of Dadra and Nagar Haveli, Goa, Daman and Diu, or Pondicherry, attended before an Income-tax authority in the said territory on behalf of any assessee otherwise than in the capacity of an employee or relative of that assessee; or". Year No. Short title Modifications
1 2 3 4

After section 294, insert-

"294A. Power to make exemption, etc., in relation to certain Union territories.—

If the Central Government considers it necessary or expedient so to do for avoiding any hardship or anomaly or removing any difficulty that may arise as a result of the application of this Act to the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry, or in the case of the Union territory of Pondicherry, for implementing any provision of the Treaty of Cession concluded between France and India on the 28th day of May, 1956, that Government may, by general or special order, make an exemption, reduction in rate or other modification in respect of income-tax or super-tax in favour of any assessee or class of assesseess or in regard to the whole or any part of the income of any assessee or class of assessees:

Provided that the power conferred by this section shall not be exercisable after the 31st day of March, 1967, except for the purpose of rescinding an exemption, reduction or modification already made.".

1961 46 The Voluntary Surrender of Salaries (Exemption from Taxation)
Act, 1961.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.

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EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 9] NEW DELHI, THURSDAY, APRIL 4, 1963/CHAITRA 14, 1885

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 4th April, 1963/Chaitra 14, 1885 (Saka)

THE ARMED FORCES (SPECIAL POWERS) CONTINUANCE REGULATION, 1963

No. 4 of 1963

Promulgated by the President in the Fourteenth Year of the Republic of India.

A Regulation to continue the Armed Forces (Special Powers) Regulation, 1958, for a further period.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him: -

1. (1) This Regulation may be called the Armed Forces (Special hort title Powers) Continuance Regulation, 1963.

nd commencement.

- (2) It shall come into force at once.
- 2. In sub-section (4) of section 1 of the Armed Forces (Special Amendment Powers) Regulation, 1958, for the words "for a period of five years", of section 1. the words "for a period of six years" shall be substituted.

S. RADHAKRISHNAN.

President.

R. C. S. SARKAR. Secy. to the Govt. of India.

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EXTRAORDINARY PART II-Section 1 PUBLISHED BY AUTHORITY

No. II]

NEW DELHI, WEDNESDAY APRIL 24, 1963/VAISAKHA 4, 1885

MINISTRY OF LAW

New Delhi, the 24th April, 1963/Vaisakha 4, 1885 (Saka)

THE MAHE (STAY OF EVICTION PROCEEDINGS) REGULATION, 1963

No. 5 of 1963

Promulgated by the President in the Fourteenth Year of the Republic of India.

A Regulation to protect the tenants in Mahe against eviction from their holdings.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:-

1. (1) This Regulation may be called the Mahe (Stay of Eviction Proceedings) Regulation, 1963.

extent.

- (2) It extends to the whole of Mahe in the Union territory of commence-Pondicherry. ment and duration
- (3) It shall come into force at once and shall remain in force up to and inclusive of the 31st day of December, 1963.
- 2. In this Regulation, the expressions "tenant" and "holding" shall Definihave the meanings assigned to them in the Kerala Agrarian Relations tions. Act, 1960, as it applies to lands which are "estates" within the meaning of sub-clause (a) of clause (2) of article 31A of the Constitution.
- 3. Notwithstanding anything to the contrary contained in any Stay of other law for the time being in force or in any contract, so long as eviction this Regulation is in force, no suit, proceedings in execution of decrees proceed-

ings,

or orders, or other proceedings for eviction of a tenant from his holding shall lie in any court, and all suits, proceedings in execution of decrees or orders and other proceedings for such eviction pending in a court at the commencement of this Regulation shall be stayed.

Limita-

4. In computing the period of limitation prescribed for the institution of suits or proceedings prohibited or stayed under this Regulation, the time during which such suits or proceedings are prohibited or stayed shall be excluded.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.

The Gazette



of India

EXTRAORDINARY PART II-Section 1 PUBLISHED BY AUTHORITY

No. 19] NEW DELHI, THURSDAY, JULY 18, 1963/ASADHA 27, 1885

MINISTRY OF LAW

(Legislative Department) New Delhi, the 18th July, 1963/Asadha 27, 1885 (Saka)

THE DADRA AND NAGAR HAVELI (LAWS) REGULATION, 1963

No. 6 of 1963

Promulgated by the President in the Fourteenth Year of the Republic of India.

A Regulation to extend certain laws to the Union territory of Dadra and Nagar Haveli.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him: -

- 1. (1) This Regulation may be called the Dadra and Nagar Haveli Short (Laws) Regulation, 1963. commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- 2. As from the commencement of this Regulation, the Acts and Extension Ordinances mentioned in the First Schedule, as they are generally and amendin force in the territories to which they extend, shall extend to, and ment of cerbe in force in, the Union territory of Dadra and Nagar Haveli subject to the modifications, if any, specified in that Schedule:

Provided that each of the following Acts shall come into force in the said Union territory only on such date as the Administrator of the Union territory may, by notification in the Official Gazette, appoint for that Act, namely: -

- 1. The Police Act, 1861 (5 of 1861).
- 2. The Indian Christian Marriage Act, 1872 (15 of 1872).
- 3. The Lepers Act, 1898 (3 of 1898).

- 4. The Mussalman Wakf Validating Act, 1913 (6 of 1913).
- 5. The Indian Forest Act, 1927 (16 of 1927).
- 6. The Mussalman Wakf Validating Act, 1930 (32 of 1930)
- 7. The Criminal Law Amendment Act, 1938 (20 of 1938).
- 8. The Drugs Act, 1940 (23 of 1940).
- 9. The Wakf Act, 1954 (29 of 1954).
- 10. The Probation of Offenders Act, 1958 (20 of 1958).
- 11. The Prevention of Cruelty to Animals Act, 1960 (59 of 1960).

Repeal and saving.

3. (1) All laws in force immediately before the 11th day of August, 1961, in Free Dadra and Nagar Haveli, other than the laws referred to in sub-section (3), shall, as from the commencement of this Regulation, stand repealed:

Provided that if there is any law corresponding to any Act referred to in the proviso to section 2, such corresponding law shall stand repealed as from the coming into force of that Act.

- (2) Nothing in sub-section (1) shall affect—
- (a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made:

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, patent, permit or licence granted, or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act or Ordinance extended to the Union territory of Dadra and Nagar Haveli by this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act or Ordinance.

- (3) The laws specified in the Second Schedule and the following laws made by the Administrator of Free Dadra and Nagar Havelinamely:—
 - (i) the Abkari Act of 1956 of the Nagar Haveli Liberated reas. and

4 th. Eadded lay Reg. 291265, 1.2 (weg 21.6.65)

(ii) the Free Dadra and Nagar Haveli Tenancy and Agricul-2 of tural Lands Ordinance, 1961,

shall continue in force until repealed or amended by law.

4. All rules, notifications, orders, regulations and bye-laws made Extension of or issued by the Central Government under the provisions of any Act rules, orders, or Ordinance specified in the First Schedule generally for the certain laws. territories to which such Act or Ordinance extends shall, as from the date of coming into force of such provisions in the Union territory of Dadra and Nagar Haveli, extend to and come into force in that Union territory.

5. (1) In any Act or Ordinance specified in the First Schedule or Rules of in any rule, notification, order, regulation or bye-law made or issued thereunder and extended to the Union territory of Dadra and Nagar Haveli by this Regulation,-

(a) any reference to any provision of law not in force, or to any functionary not in existence in the Union territory of Dadra and Nagar Haveli shall be construed as a reference to the corresponding law, if any, or the corresponding functionary, if any, in existence in that Union territory:

Provided that-

- (i) if any question arises as to who such corresponding functionary is, or
- (ii) if there is no such corresponding functionary, the Administrator of that Union territory shall decide as to who such functionary will be and his decision shall be final;
- (b) any reference to the State Government shall, save as otherwise directed in the First Schedule, be construed as a reference to the Central Government and also as including a reference to the said Administrator.
- (2) Where by any Act specified in the First Schedule, a power is conferred to make rules, regulations or bye-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, then that power may be exercised at any time after the passing of this Regulation; but rules, regulations, bye-laws or orders so made or issued shall not ake effect till the commencement of the Act in the Union territory d Dadra and Nagar Haveli.

(3) For the purpose of facilitating the application in relation to the Union territory of Dadra and Nagar Haveli of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

Power o remove difficulties.

6. If any difficulty arises in giving effect in the Union territory of Dadra and Nagar Haveli to the provisions of any Act or Ordinance extended by this Regulation to that Union territory, the Central Government may, by order in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty, and any such order may provide for the transfer of any matter pending before any court, tribunal or other authority immediately before the commencement of this Regulation to any corresponding court, tribunal or authority for disposal.

THE FIRST SCHEDULE (See section 2)

'ear	No.	Short title	Modifications 4
1850	21	The Caste Disabilities Removal Act, 1850.	
1855	12	The Legal Representatives' Suits Act, 1855.	
1856	15	The Hindu Widows' Remarriage Act, 1856.	
1860	21	The Societies Registration Act, 1860	
1860	45	The Indian Penal Code	
1861	5	The Police Act, 1861	
1863	20	The Religious Endowments Act, 1863.	
1865	3	The Carriers Act, 1865	
1866	21	The Converts' Marriage Dissolution Act, 1866.	
1867	25	The Press and Registration of Books Act, 1867.	
1870	7	The Court-fees Act, 1870	
1871	I	The Cattle-trespass Act, 1871	in the second
1871	23	The Pensions Act, 1871	
1872	1	The Indian Evidence Act, 1872	
1872	9		
1872	15	The Indian Christian Marriage Act, 1872.	The same and the same

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Year	No.	Short title 3	Modifications 4
1873	5	The Government Savings Banks Act, 1873.	
1873	10	The Indian Oaths Act, 1873	
1874	3	The Married Women's Property Act, 1874.	In sub-section (2) of section 6—
			(1) in clause (a), add at the end:—
	*		"or
			(iv) in the Union territory of Dadra and Nagar Haveli on or after the commencement of the Dadra and Nagar Haveli (Laws) Regulation, 1963;";
			(2) in clause (b), after the words "any territory", insert "other than the Union territory of Dadra and Nagar Haveli,";
			(3) after clause (b), insert—
			"(¢) by a Buddhist in the Union territory of Dadra and Nagar Haveli, on or after the commencement of the Dadra and Nagar Haveli (Laws) Regulation 1963,";
			(4) in the proviso, add at the end—
			"or
			(iii) before the commencement of the Dadra and Nagar Haveli (Laws) Regulation, 1963, in any case to which sub-clause (iv) of clause (a) or clause (c) applies.".
1874	4	The Foreign Recruiting Act, 1874	
1875	9	The Indian Majority Act, 1875	
1875	18	The Indian Law Reports Act, 1875.	
1877	1	The Specific Relief Act, 1877	4441
1878	6	The Indian Treasure-trove Act, 1878.	
1880	I	The Religious Societies Act, 1880.	Description of the second

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Year	No 2	Short title,	Modifications 4
1881	26	The Negotiable Instruments Act, 1881.	
1882	2	The Indian Trusts Act, 1882	
1882	4	The Transfer of Property Act, 1882.	
1882	7	The Powers-of-Attorney Act, 1882.	
1884	4	The Indian Explosives Act, 1884	
1885	13	The Indian Telegraph Act, 1885	
1886	6	The Births, Deaths and Marriages Registration Act, 1886.	In section 32, after the words and figures "at any time before the first day of April, 1891", insert "or in the case of the Union territory of Dadra and Nagar Haveli, before such date as may be specified by notification by the Central Government,".
1887	7	The Suits Valuation Act, 1887	
1887	9	The Provincial Small Cause Courts Act, 1887.	
1888	3	The Police Act, 1888	
1888	4	The Indian Reserve Forces Act, 1888.	
1889	I	The Metal Tokens Act, 1889	
1890	I	The Revenue Recovery Act, 1890	
1890	6	The Charitable Endowments Act, 1890.	
1890	8	The Guardians and Wards Act, 1890.	
1890	9	The Indian Railways Act, 1890	
1892	2	The Marriages' Validation Act, 1892.	
1893	4	The Partition Act, 1893	
1894	I	The Land Acquisition Act, 1894	
1894	9	The Prisons Act, 1894	
1895	10	The Indian Railway Companies Act, 1895.	
1895	15	The Government Grants Act, 1895	

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Year	No.	Short title	Modifications
I	2	3	4
1897	3	The Epidemic Diseases Act, 1897	
1897	10	The General Clauses Act, 1897	
1898	3	The Lepers Act, 1898	
1898	5	The Code of Criminal Procedure, 1898.	
1898	6	The Indian Post Office Act, 1898	
1899	2	The Indian Stamp Act, 1899	In sub-section (1) of section 57, omit "and" at the end of clause (d) and after clause (e), insert—
			"(f) if it arises in the Union territory of Dadra and Nagar Haveli, to the High Court at Bombay."
		the second secon	In Schedule I, omit entry 30.
1900	3	The Prisoners Act, 1900	
1901	2	The Indian Tolls (Army and Air Force) Act, 1901.	
1903	14	The Indian Foreign Marriage Act, 1903.	
1905	4	The Indian Railway Board Act, 1905.	
1906	3	The Indian Coinage Act, 1906	
1908	5	The Code of Civil Procedure, 1908	
1908	6	The Explosive Substances Act, 1908.	
1908	9	The Indian Limitation Act, 1908	1000
1908	16	The Indian Registration Act, 1908.	
1909	7	The Anand Marriage Act, 1909	
1910	9	The Indian Electricity Act, 1910	
1911	2	The Indian Patents and Designs Act, 1911.	In section 2, clause (7), omit "and" at the end of sub- clause (d) and after sub- clause (e), insert—
		· the control of the	"(f) in relation to the Union territory of Dadra and Nagar Haveli, the High Court at Bombay.".

Year	No.	Short title	Modifications
I	2	3	4
1912	4	The Indian Lunacy Act, 1912	
1913	2	The Official Trustees Act, 1913	In section 2, clause (2), omit "and" at the end of sub-
		(4401)	clause (d) and after sub- clause (e), insert— "(f) in relation to the Union territory of Dadra and Nagar Haveli, the High Court at Bombay."
1913 (dddl	3	The Administrator General's Act, 1913.	In section 2, clause (12), omit "and" at the end of sub- clause (d) and after clause (e), insert—
			"(f) in relation to the Union territory of Dadra and Nagar Haveli, the High Court at Bombay."
1913	6	The Mussalman Wakf Validating Act, 1913.	
1914	2	The Destructive Insects and Pests Act, 1914.	
1916	15	The Hindu Disposition of Property Act, 1916.	
1917	18	The Post Office Cash Certificates Act, 1917.	
1919	12	The Poisons Act, 1919	
1920	5	The Provincial Insolvency Act, 1920.	
1920	14	The Charitable and Religious Trusts Act, 1920.	2007
1920	34	The Indian Passport Act, 1920	
1921	18	The Maintenance Orders Enforcement Act, 1921.	
1923	5	The Indian Boilers Act, 1923	
1923	8	The Workmen's Compensation Act, 1923.	
1923	19	The Indian Official Secrets Act, 1923.	
1924	4	The Central Board of Revenue Act,	
1925	4	The Indian Soldiers (Litigation) Act, 1925.	

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Year	No.	Short title	Modifications.
1	2	3	4
1925	19	The Provident Funds Act, 1925	Tage Sect
1925	39	The Indian Succession Act, 1925	
1927	16	The Indian Forest Act, 1927	G to T A diet
1928	12	The Hindu Inheritance (Removal of Disabilities) Act, 1928.	GAT A PART
1929	19	The Child Marriage Restraint Act	1 TO TOO
1930	2	The Dangerous Drugs Act, 1930	TEGA TO THE
1930	3	The Indian Sale of Goods Act, 1930.	M mr do tes
1930	30	The Hindu Gains of Learning Act, 1930.	ME CATE + 8ERS
1930	32	The Mussalman Wakf Validating Act, 1930.	22 y 15 1 3 4 5 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5
1931	16	The Provisional Collection of Taxes Act, 1931.	THE SECOND
1932	9	The Indian Partnership Act, 1932	In section 1, for sub-section (3), substitute—
	2 1012		"(3) It shall come into force at once except section 69, which shall come into force on the 1st day of July, 1964.".
	A in		
1933	2	The Children (Pledging of Labour) Act, 1933.	G-12 3 101
1933	17	The Indian Wireless Telegraphy Act, 1933.	e service as a constant
1934	2	The Reserve Bank of India Act, 1934.	In the First Schedule, in paragraph 1, for "Maharashtra and Goa, Daman and Diu", substitute "and Maharashtra and the Union territories of Dadra and Nagar Haveli
		The second second	and Goa, Daman and Diu.".
1934	20	The Indian Carriage by Air Act, 1934.	TolT in the
1934	22	The Aircraft Act, 1934	AND THE PARTY OF T
1934	30	The Petroleum Act, 1934	
1934	32	The Indian Tariff Act, 1934	

Year	No.		Short title	Modifications
I	2		3	4
1936	3	T	the Parsi Marriage and Divorce Act, 1936.	
1936	4	T	The Payment of Wages Act, 1936	
1936	5	r	The Decrees and Orders Validating Act, 1936.	
1937	I	7	The Agricultural Produce (Grading and Marking) Act, 1937.	
1937	19	1	The Arya Marriage Validation Act, 1937.	
1937	26	1	The Muslim Personal Law (Sha- riat) Application Act, 1937.	
1938	4	1	The Insurance Act, 1938	
1938	5	1	The Manoeuvres, Field Firing and Artillery Practice Act, 1938.	
1938	20	1	The Criminal Law Amendment Act, 1938.	
1938	24		The Employers' Liability Act, 1938.	
1938	26		The Employment of Children Act, 1938.	
1939	4		The Motor Vehicles Act, 1939	In the Sixth Schedule, after the entry relating to the Laccadive, Minicoy and Amindivi Islands, insert—
				"Dadra and Nagar Haveli NH".
1939	8		The Dissolution of Muslim Marriages Act, 1939.	
1939	16		The Registration of Foreigners Act, 1939.	
1940	4	1	The Currency Ordinance, 1940	
1940	. 10	,	The Arbitration Act, 1940	
1940	23	3	The Drugs Act, 1940	
1942		6	The Multi-unit Co-operative So cieties Act, 1942.	
1942		7	The Coffee Act, 1942	
1942	I	8	The Weekly Holidays Act, 1942	
1942	4	I	The Armed Forces (Special Powers) Ordinance, 1942.	al .
1944		I	The Central Excises and Salt Ac 1944.	t,
1944	7 1	18	The Public Debt Act, 1944	
710		The state of		

Year	r No	Short title	Modifications 4
1946	25	The Delhi Special Police Estab- lishment Act, 1946.	
1946	31	The Foreigners Act, 1946	
1947	2	The Prevention of Corruption Act, 1947.	
1947	7	The Foreign Exchange Regulation Act, 1947.	
1947	15	The Armed Forces (Emergency Duties) Act, 1947.	
1947	18	The Imports and Exports (Control) Act, 1947.	Electric de la constant de la consta
1947	24	The Rubber Act, 1947	
1947	31	The Antiquities (Export Control) Act, 1947.	
1947	48	The Indian Nursing Council Act,	
1948	8	The Pharmacy Act, 1948	
1948	II	The Minimum Wages Act, 1948	
1948	15	The Industrial Finance Corporation Act, 1948.	
1948	16	The Dentists Act, 1948	or out of
1948	31	The National Cadet Corps Act, 1948.	
1948	40	The Indian Matrimonial Causes (War Marriages) Act, 1948.	
1948	46	The Goal Mines Provident Fundand Bonus Schemes Act, 1948.	T066 .
1948	54	The Electricity (Supply) Act, 1948	
1948	56	The Territorial Army Act, 1948	
1948	61	The Central Silk Board Act,	
1948	63	The Factories Act, 1948	
1949	10	The Banking Companies Act, 1949.	
1949	46	The Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949.	
1950	4	The Preventive Detention Act,	

4 Omitted & ms. for Rog 29 1765, 8.4.

)		1	Short title	Modifications	The W
Year	No.	Foil.		4-	- dia
I	2		3		-
1950	12	t	e Emblems and Names (Preven- ion of Improper Use) Act,	end of the land	9461
1950	29	Th	ne Transfer of Prisoners Act,	Part Property Services	7 (P)
1950	40	T	ne Army and Air Force (Disposal of Private Property) Act, 1950.	Inc. Paris	
1950	43	Т	he Representation of the People Act, 1950.	and and the	
1950	45	7	The Air Force Act, 1950		T THE
1950	46		The Army Act, 1950		
1950	4		The Contingency Fund of India Act, 1950.		18
1950	7		The Telegraph Wires (Unlawful Possession) Act, 1950.		Y
1951	4	3	The Representation of the People Act, 1951.		
1951		53	The State Financial Corporations Act, 1951.	BERTHER PRESENT	h
1951		65	The Industries (Development and Regulation) Act, 1951.	A DESCRIPTION OF THE RESERVE OF THE	
1952		19	The Employees' Provident Fund Act, 1952.		
1952	2	30	The Requisitioning and Acquistion of Immovable Property Ac 1952.	465 90 4	
195	2	31	The Presidential and Vice-Presidential Elections Act, 1952.		
195	52	36	The Indian Standards Instituti (Certification Marks) A 1952.	Was all I	
19	52	37	The Cinematograph Act, 195	2	
	152	46	The Criminal Law Amendm Act, 1952.	ent	
T	952	53	The Notaries Act, 1952		
1952		60	The Commissions of Inquiry 1952.		
1952		62	Forces Act, 1952.		
1952		7	tion) Act, 1932.		
1953		2	The Air Corporations Act, The Salt Cess Act, 1953	1953	

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Year	No.	Short title	Modifications
I	2	3	4
1954	21	The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.	700 C
1954	27	The Delivery of Books and Newspapers (Public Libraries) Act, 1954.	1937 VA 7893
1954	29	The Wakf Act, 1954	
1954	37	The Prevention of Food Adulteration Act, 1954.	
1954	43	The Special Marriage Act, 1954	
1955	10	The Essential Commodities Act, 1955.	4001
1955	22	The Untouchability (Offences) Act, 1955.	
1955	23	The State Bank of India Act, 1955.	collection as a second
1955	25	The Hindu Marriage Act, 1955	
1955	42	The Prize Competitions Act, 1955	Section 1
1955	51	The Railway Stores (Unlawful Possession) Act, 1955.	
1956	I	The Companies Act, 1956	
1956	30	The Hindu Succession Act, 1956	
1956	31	The Life Insurance Corporation Act, 1956.	
1956	32	The Hindu Minority and Guardianship Act, 1956.	
1956	33	The Inter-State Water Disputes Act, 1956.	AND AND AND AND AND AND AND AND AND AND
1956	42	The Securities Contracts (Regulation) Act, 1956.	
1956	48	The National Highways Act, 1956	
1956	49	The River Boards Act, 1956	
1956	69	The Terminal Tax on Railway Passengers Act, 1956.	
1956	78	The Hindu Adoptions and Maintenance Act, 1956.	
1956	93	The Young Persons (Harmful Publications) Act, 1956.	
1956	102	The Indian Medical Council Act, 1956.	
1 0m	itted	2 im ha Res 2911	5h F. A-A

4 smitted 2 in hy Reg 291565, 1.4.

Year	No.	Short title	Modifications
1	2	3	4
1956	104	The Suppression of Immoral Tra- ffic in Women and Girls Act, 1956.	
1957	14	The Copyright Act, 1957	A SHEET IN THE PARTY OF THE PAR
1957	23	The Railway Protection Force Act, 1957.	
1957	58	The Additional Duties of Excise (Goods of Special Importance) Act, 1957.	
1957	62	The Navy Act, 1957	
1957	67	The Mines and Minerals (Regulation and Development) Act, 1957.	
1958	20	The Probation of Offenders Act, 1958.	
1958	21	The Rice-Milling Industry (Regulation) Act, 1958.	
1958	24	The Ancient Monuments and Archæological Sites and Remains Act, 1958.	(基本語) 等。 (表語) 第一、(2
1958	27	The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958.	
1958	32	The Public Premises (Eviction of Unauthorised Occupants) Act 1958.	
1958	43	The Trade and Merchandise Mark Act, 1958.	CS .
1959	10	The Parliament (Prevention of Disqualification) Act, 1959.	
1959	38	The State Bank of India (Subsidiary Banks) Act, 1959.	
1959	46	The Government Savings Certificates Act, 1959.	
1959	54	The Arms Act, 1959	
1960	19	The Hindu Marriages (Validatio of Proceedings) Act, 1960.	n
1960	59	The Prevention of Cruelty to Anmals Act, 1960.	i-
1961	23	The Criminal Law Amendmen	nt
1961	27	The Motor Transport Worke Act, 1961.	rs
1961	28	The Dowry Prohibition Act	ct,

- 4 Inc. my Reg. 2 91365, 1.4.

Year	No.	Short title	Modifications	
I	2	3		
		3	4	
		STATE ACTS		
		Вомва		
1906	2	The Mamlatdars' Courts Act, 1906, as in force in the State of Maharashtra.	Throughout the Act, for "State Government", substitute "Administrator of Dadra and Nagar Haveli".	
			In section 1, for sub-sections (2) and (3), substitute—	
			"(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.	
			(3) It shall come into force at once.".	
			Omit section 2.	
			In section 3, for clause (aa), substitute—	
			"(aa) "Collector" includes any officer specially appointed by the Administrator of Dadra and Nagar Haveli to perform the functions of a Collector under this Act;".	
	econi.		In section 23, omit sub-section (2A) and the words "Assistant Collector, Deputy Collector or Assistant Commissioner?" occurring in sub-section (3).	
			Omit section 27.	
		Gujara	т Аст	
062	10	The Gujarat Co-operative Societies Act, 1961.	(i) Throughout the Act, un- less otherwise directed—	
			(a) for the words "State Government", substitute "Administrator";	
			(b) for the words "State of Gujarat", substitute "Union territory of Dadra and Nagar Haveli";	
			(c) for the word "State" (except where it occurs in the expression "State Government" and except in Chapter V and section 163), substitute "Union territory".	
			(ii) In section 2—	
			(a) clause (1) shall be re-	

-			
Year	No.	Short title	Modifications
1	2	3	4
			numbered as clause (1a) and before the clause as so re-numbered insert— "(1) "Administrator" means the Administrator of the Union territory of Dadra
Landson de la victor de la vict			and Nagar Haveli;'; (b) for clause (II), substitute— (II) "Land Revenue Code" means Organi- zacao Agraria for Nagar Haveli in force in the Union territory of Dadra and Nagar Haveli im- mediately before the
		TALL OF	commencement of this Act therein;
			(c) omit clauses (22) and (23). (iii) In sub-section (2) of section 14, for "State Cooperative Council", substitute "Administrator".
Market St.			(iv) In sections 22 (1) (d) and 43, for "State Government", substitute "Central Government". (v) In section 49, for clause (g) of sub-section (1), substitute—
			"(g) the Record of Rights relating to the land shall include the particulars of every charge on land or interest created under a declaration under clause (a) or clause (b)".
			(vi) In Chapter V and in section 80, for the words "State Government", wherever they occur, substitute "Central Government".
To special and the second seco			(vii) In section 66, in sub-section (2), omit the words 'to contribution to the educational fund of such federal co-operative society as the State Government may by notification in the Official Gazette specify as "the Gujarat State Co-operative Union" to the payment of rebate on the basis of support received from members and persons who are not members to its business and subject to the prescribed conditions to payment of honoraria,".

Year No.	Short title	Modifications
I 2	3	4
		4
with most her can have		(viii) Omit section 69.
only rady say as a roy of the control of the contro		(ix) In section 70, omit the words and figures "and for the educational fund a provided in section 69," and for clauses (a) and (b) substitute the words "of the Administrator of Dadra and Nagar Haveli".
yen case to be one dead on the company of the compa		(x) In section 71, in sub-section (2), for the words "State Co-operative Council" substitute "Administrator"
Table of the control		(xi) In section 81, for the word "administrator" or "ad- ministrators" wherever it occurs, substitute "Special Officer" or "Special Officers", as the case may be.
an analysis of the same and sa		(xii) In section 90, in sub-section (t), for the words "Consolidated Fund of the State", substitute "Consolidated Fund of India".
TO SUITE OF		(xiii) In section 102, for the word "Tribunal", substitute "Administrator".
Columbia of State of		(xiv) In the provise to section 103 and in section 105, for the words "the Collector", wherever they occur, substitute "the Mam atdar".
		(xv) (a) In sub-section (r) of section 106, omit the words and figures "as defined under the Bombay Agricultural Debtors Relief Act, 1947.";
partie du la sende-c		(b) for sub-section (4), sub- stitute—
in a tig bet of virtue of the control of the contro		"(4) Until the arrears due to the society together with interest and any incidental charges incurred in the recovery of such arrears are paid, or security for payment of such arrears is furnished to the satisfaction of the Registrar, it shall be lawful for the Mamlatdar and gistrar to take the precautionary measures, namely:—

-			
. Year	No.	Short title	Modifications
I	2	, 3	4
			(i) to prevent the grop being removed from the land;
	R DEFENDE	190	(ii) (a) to require that the
			crop growing on any
			ment of arrears due to
		3	reaped until a notice in writing is given to the Mamlatdar or the Re-
	5. 75		gistrar, as the case may be, in this behalf, with
			an acknowledgment of its receipt;
	19 35 3		(b) to direct that no such crop shall be removed
			from the land on which
			from any place in which it may have been de- posited without the
			written permission of the Mamlatdar or the Re-
			gistrar;
			(c) to cause watchmen to be placed for any such crop to prevent the
			unlawful reaping or removal of the same, and
	2000		to realise the amount re- quired for the remunera- tion of the said watch-
			men at such rate not ex- ceeding the rate of pay
			received by such watch- men as an arrear of land
			of the land to which such crop belongs.
	A SECOND		(5) The Mamlatdar's or
	1		Registrar's orders under sub-clause (a) or (b) of clause (ii) of sub-section
			or in individual cases. I
			the order be general, i shall be made known by
			public prodlamation to be made by beat of drum in the village and by affixing
			a copy of the order in the Patelad or some other pub-
			lic building in the village If it be to individua
			holders, a notice thereof shall be served on each holder concerned.
		The second secon	The state of the s

	No.	Short title	Modifications
1	2	3	4
			(6) Any person who shall disobey any such order after the same has been so proclaimed, or a notice thereof has been served upon him, or who shall within the meaning of the Indian Penal Code, abet the disobedience of any such order, shall be liable, on conviction after a summary inquiry before the dar, to a fine not exceeding double the amount of land revenue due on the land to which the crop belongs in respect of which the offence is committed. (7) The Mamlatdar gistrar, as the case may be, shall not defer the reaping of the crop, nor its deposit unduly, so as to damage the produce, and if within two months after the crop has been deposited the dues have not been discharged, he shall either release the crop and proceed to realise the revenue in any other manner authorised or take such portion thereof as he may deem fit for sale and release the rest." (xvii) In section 115, in the proviso, omit clause (b). (xvii) Omit sections 116 to 145 and sections 150 to 152. (xviii) In section 153, in subsection (3), for the word "Tribunal", wherever it occurs, substitute "Administrator". (xxi) In section 160, for the words "State Co-operative Council", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator", substitute "Administrator".
6			ministrator".

Year	No.	Short title	Modifications 4
		AND AND AND AND AND AND AND AND AND AND	(xxii) In section 162, in clause (b), omit the words "or to any panchayat constituted under any law relating to panchayats for the time being in force".
			(xxiii) In section 163—
		Constant of the constant of th	(a) in sub-section (1), for the words "in any other State", substitute 'elsewhere in India";
		APPOLITATION OF THE PROPERTY O	(b) in sub-section (2), for the words "in any other State", substitute "elsewhere in for the words "Registrar substitute "Registrar of the State or Union territory".
			(xxiv) In section 164, for the words "an administrator", substitute "Special Officer", and omit the words "and all members of the Tribunal".
		207	(xxv) In section 168, omit subsections (4) and (5).
52 F 10			(xxvi) Omit section 169.

THE SECOND SCHEDULE

[See section 3(3)]

- Organizacao Agraria for Nagar Haveli published under Portaria Provincial No. 985, dated 22-9-1919.
- 2. Portaria Provincial No. 1055, dated 23-12-1920.
- 3. Diploma Legislative No. 406, dated 17-3-1930.
- 4. Decreto No. 27, 135, dated 20-10-1936.

S. RADHAKRISHNAN,

President.

THE PONDICHERRY (LAWS) REGULATION, 1963

No. 7 OF 1963

Promulgated by the President in the Fourteenth Year of the Republic of India.

A Regulation to extend certain laws to the Union territory of Pondicherry.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him: -

1. (1) This Regulation may be called the Pondicherry (Laws) Short title Regulation, 1963.

and mence-

- (2) It shall come into force at once.
- 2. In this Regulation, unless the context otherwise requires,—

Definitions.

- (a) "Act" means an Act or Ordinance specified in the First Schedule:
- (b) "Chief Commissioner" means the Administrator of Pondicherry;
 - (c) "Pondicherry" means the Union territory of Pondicherry.
- 3. The Acts, as they are generally in force in the territories to Extension which they extend, shall extend to, and come into force in, Pondicherry with amendon the 1st day of October, 1963, subject to the modifications, if any, ments

laws to Pondicherry and their com-

4. (1) Any law in force in Pondicherry or any area thereof corres- Repeal and ponding to any Act referred to in section 3 shall stand repealed as saving. from the coming into force of such Act in Pondicherry; and all the laws specified in the Second Schedule are hereby repealed.

- (2) Nothing in sub-section (1) shall affect—
- (a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made:

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, patent, permit or licence granted, or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act extended to Pondicherry by this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

(3) Any law in force in Pondicherry, corresponding to each of the following Acts, namely:-

(i) The Indian Soldiers (Litigation) Act, 1925,	4 of 182
(ii) The Registration of Foreigners Act, 1939,	16 of 18
(iii) The Foreigners Act, 1946,	31 of 1
(iv) The Forward Contracts (Regulation) Act, 1952,	74 of 15
(v) The Central Sales Tax Act, 1956,	74 of 188

shall be deemed to have been repealed with effect from the date of extension of that Act to Pondicherry except as respects things done or omitted to be done thereunder before such repeal.

Extension of rules.

- 5. (1) All rules, notifications, orders, regulations and bye-laws made orders, etc., or issued by the Central Government under the provisions of any under cer- Act generally for the territories to which such Act extends shall, as from the commencement of the provisions of such Act in Pondicherry, extend to, and come into force in, Pondicherry.
 - (2) Notwithstanding anything contained in sub-section (1), no rules, notifications, orders, regulations and bye-laws made or issued by the Central Government under the following Acts, namely: -

ander the following Acts, namely:	
(i) The Indian Explosives Act, 1884,	4 of 30
(ii) The Petroleum Act, 1934,	30 et 1
(iii) The Inflammable Substances Act, 1952,	20 =

shall extend to, and come into force in, Pondicherry unless the Central Government, by notification in the Official Gazette, otherwise directs.

6. (1) In any Act or in any of the rules, notifications, orders, regulations and bye-laws made or issued thereunder and extended to tion. Pondicherry by this Regulation,-

(a) any reference to any provision of law not in force, or to any functionary not in existence, in Pondicherry shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory:

Provided that-

- (i) if any question arises as to who such corresponding functionary is, or
 - (ii) if there is no such corresponding functionary,

the Chief Commissioner shall decide as to who such functionary will be and his decision shall be final;

- (b) any reference to the State Government shall be construed as a reference to the Central Government and also as including a reference to the Chief Commissioner.
- (2) Where by any Act a power is conferred to make rules, regulations or bye-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, then that power may be exercised at any time after the making of this Regulation; but rules, regulations, bye-laws or orders so made or issued shall not take effect till the commencement of the Act in Pondicherry.
- (3) For the purpose of facilitating the application in relation to Pondicherry of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.
- 7. If any difficulty arises in giving effect in Pondicherry to the Power provisions of any Act extended by this Regulation to that Union territory, the Central Government may, by order in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty, and any such order may provide for the transfer of any matter pending before any court, tribunal or other authority immediately before the commencement of such Act to any corresponding court, tribunal or authority for disposal.

Amendment of Act 2 of 1934.

8. In the Reserve Bank of India Act, 1934, in paragraph 4 of the First Schedule, for the words "Union territory of the Laccadive, Minicoy and Amindivi Islands", the words "Union territories of Pondicherry and the Laccadive, Minicoy and Amindivi Islands" shall be substituted.

THE FIRST SCHEDULE (See section 2)

Year	No.	Short title	Modifications
I	2	3	4
1838	19	The Coasting-Vessels Act, 1838	
1860	21	The Societies Registration Act, 1860	Day Day at
1860	45	The Indian Penal Code	to Lot of May
1861	5	The Police Act, 1861	DENERAL AND
1867	25	The Press and Registration of Books Act, 1867.	en gantain a sa a
1871	I	The Cattle-trespass Act, 1871	The second secon
1872	1	The Indian Evidence Act, 1872	The same of the same
1873	5	The Government Savings Banks Act, 1873.	Bion tiette son la somblinger mit te
1874	4	The Foreign Recruiting Act, 1874	
1878	I	The Opium Act, 1878	this the efficiency
1878	6	The Indian Treasure-trove Act, 1878	att av agraden yd
1882	2	The Indian Trusts Act, 1882	to same a district
1884	4	The Indian Explosives Act, 1884	
1886	II	The Indian Tramways Act, 1886	may sail will fo
1888	3	The Police Act, 1888	10 004 1 000
1888	4	The Indian Reserve Forces Act, 1888	at it all the beautiful
1889	I	The Metal Tokens Act, 1889	10 0 THE RESIDENCE OF THE PARTY
1890	6	The Charitable Endowments Act, 1890.	eranic visual f
1890	9	The Indian Railways Act, 1890	The Company of the
1894	I	The Land Acquisition Act, 1894	
1895	10	The Indian Railway Companies Act, 1895.	
1897	4	The Indian Fisheries Act, 1897	a sequence transfer
1897	10	The General Clauses Act, 1897	ar to the state of
1898	3	The Lepers Act, 1898	

Year		N	0.	Short title	Modifications
I		2		3	4
1898		5		The Code of Criminal Procedur 1898.	с,
1898		9		The Live-stock Importation Ac 1898.	t,
1901		2		The Indian Tolls (Army and Ai Force) Act, 1901.	r
1902	1	4		The Indian Tramways Act, 1902	
1903		7		The Indian Works of Defence Act	
1904		7		The Ancient Monuments Preserva- tion Act, 1904.	
1905		4		The Indian Railway Board Act, 1905.	
1908	1	6	1:	The Explosive Substances Act, 1908	
1908		14		The Indian Criminal Law Amendment Act, 1908.	
1908		15	7	The Indian Ports Act, 1908	
1911		2		The Indian Patents and Designs Act, 1911.	In section 2, clause (7), insert the following sub-clause at the
					end— "(g) in relation to the Union territory of Pondicherry, the High Court at Madras."
1912		4	TI	he Indian Lunacy Act, 1912	
1912		8	Th	ne Wild Birds and Animals Protection Act, 1912.	
1914		2	Th	ne Destructive Insects and Pests Act, 1914.	
1916		7	Th	e Indian Medical Degrees Act,	
1917		I	Th	e Inland Steam-vessels Act, 1917	
1917	. 1	8	Th	e Post Office Cash Certificates	1
1920	I	4	The	e Charitable and Religious Trusts Act, 1920.	
1923		3	The	e Cotton Transport Act, 1923	The state of the s
1923	(The	c Cantonments (House Accoumodation) Act, 1923.	
		-	-		-

Year.	No.	Short title	Modifications
ı	2	3 4	4
1923	8	The Workmen's Compensation Act, 1923.	
1923	14	The Indian Cotton Cess Act, 1923	
1923	19	The Indian Official Secrets Act, 1923.	
1924	2	The Cantonments Act, 1924	
1924	- 4	The Central Board of Revenue Act, 1924.	
1925	12	The Cotton Ginning and Pressing Factories Act, 1925.	Sub-section (rA) of sec- tion 9 shall have effect as if for the words and figures "after the 27th
	Ī	The same of the sa	day of February, 1939", the words "after the date of com- mencement of this Act" were substituted.
1925	19	The Provident Funds Act, 1925	
1925	26	The Indian Carriage of Goods by Sea Act, 1925.	
1926	16	The Indian Trade Unions Act, 1926	
1927	16	The Indian Forest Act, 1927	
1927	17	The Indian Lighthouse Act, 1927	
1930	2	The Dangerous Drugs Act, 1930	
1930	24	The Indian Lac Cess Act, 1930	
1932	9	The Indian Partnership Act, 1932	In section 1, for sub-section (3), substitute—
			"(3) It shall come into force at once except section 69, which shall come into force on the 1st day of July, 1964".
1932	22	The Tea Districts Emigrant Labour Act, 1932.	
1933	2	The Children (Pledging of Labour) Act, 1933.	
1933	17	The Indian Wireless Telegraphy Act, 1933.	
1934	19	The Indian Dock Labourers Act, 1934.	
1934	20	The Indian Carriage by Air Act, 1934.	
1934	30	The Petroleum Act, 1934	

Year	N	Short title	Modifications	
I		3	4	
1936		The Payment of Wages Act, 1936		
1937	1			
1938	4			
1938	5	The Manoeuvres, Field Firing and Artillery Practice Act, 1938.		
1938	20	The Criminal Law Amendment Act, 1938.	AT	
1938	24	The Employers' Liability Act, 1938		
1938	26	The Employment of Children Act,	Section 3B of the Act shall have effect as if	
			for the reference to the ist day of October, 1939, a reference to the date of expiry of one year from the commence nent of the Act were substituted.	
1940	23	The Drugs Act, 1940		
1940	27	The Agricultural Produce Cess Act,		
1942	18	The Weekly Holidays Act, 1942		
1942	41	The Armed Forces (Special Powers) Ordinance, 1942.		
1944	10	The Indian Coconut Committee		
1944	18	The Public Debt Act, 1944		
1946	9	The Indian Oilseeds Committee Act, 1946.		
1946	20	The Industrial Employment (Stand- ing Orders) Act, 1946.		
1946	25	The Delhi Special Police Establish- ment Act, 1946.		
1947	2	The Prevention of Corruption Act, 1947.		
1947	14	The Industrial Disputes Act, 1947		
1947	15	The Armed Forces (Emergency Duties) Act, 1947.		
1947	24	The Rubber Act, 1947	1	
1947	29	The Capital Issues (Control) Act,		

		THE STATE STATE OF THE STATE OF	
Year	No.	Short title	Modifications
I	2	3 *	4
1947	48	The Indian Nursing Council Act, 1947.	Any reference to a citizen of India in the Act shall be construed as including a reference to a person of Pondicherry origin who has opted to retain his French nationality in pursuance of the Treaty of Cession.
1948	8	The Pharmacy Act, 1948	
1948	9	The Dock Workers (Regulation of Employment) Act, 1948.	
1948	II	The Minimum Wages Act, 1948	
1948	16	The Dentists Act, 1948	Any reference to a citizen of India in the Act shall be construed as including a reference to a person of Pondicherry origin who has opted to retain his French nationality in pursuance of the Treaty of Cession.
1948	34	The Employees' State Insurance Act, 1948.	
1948	53	The Oiffields (Regulation and Development) Act, 1948.	
1948	56	The Territorial Army Act, 1948	
1948	61	The Central Silk Board Act, 1948	
1948	63	The Factories Act, 1948	
1949	8	The Seaward Artillery Practice Act, 1949.	
1949	38	The Chartered Accountants Act, 1949	
1949	46	The Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949.	
1950	4	The Preventive Detention Act, 1950	
1950	12	The Emblems and Names (Prevention of Improper Use) Act, 1950.	
1950	40	The Army and Air Force (Disposal of Private Property) Act, 1950.	
1950	45	The Air Force Act, 1950	
1950	46 =	The Army Act, 1950	
1950	49	The Contingency Fund of India Act	
-		The state of the s	

	To an I	The Administration of the Control of	
Year	No.	Short title	Modifications
ı	2	3	4
1951	39	The Marking of Heavy Packages Act, 1951.	
1951	51	The Railway Companies (Emergency Provisions) Act, 1951.	
1951	63	The State Financial Corporations Act, 1951.	
1951	65	The Industries (Development and Regulation) Act, 1951.	
1951	69	The Plantations Labour Act, 1951	
1952	19	The Employees' Provident Funds Act, 1952.	
1952	20	The Inflammable Substances Act, 1952.	
1952	32	The Contempt of Courts Act, 1952	
1952	36	The Indian Standards Institution (Certification Marks) Act, 1952.	
1952	46	The Criminal Law Amendment Act, 1952.	
1952	60	The Commissions of Inquiry Act, 1952.	
1952	62	The Reserve and Auxiliary Air Forces Act, 1952.	
1953	27	The Air Corporations Act, 1953	
1953	49	The Salt Cess Act, 1953	
1954	21	The Drugs and (Objectionable Act, 1954. Magic Remedies Advertisements)	
1954	27	The Delivery of Books and Newspapers (Public Libraries) Act, 1954.	
1954	37	The Prevention of Food Adulteration Act, 1954.	
1954	43	The Special Marriage Act, 1954	
1955	16	The Medicinal and Toilet Preparations (Excise Duties) Act, 1955.	
1955	22	The Untouchability (Offences) Act, 1955.	
1955	23	The State Bank of India Act, 1955	
1955	25	The Hindu Marriage Act, 1955	In section 2, after sub- section (2), insert—
			"(2A) Notwithstanding anything contai d in sub-section (1), nothing

58 THE GAZETTE OF INDIA BITTAIN				
Year	No.	Short title	Modifications	
I	2	3	4	
			contained in this Act shall apply to the Re- noncants of the Union territory of Pondi- cherry.".	
1955	51	The Railway Stores (Unlawful Possession) Act, 1955.		
1956	I	The Companies Act, 1956	(i) Insert the following: section 2B—	
			"2B. Construction of certain references in the application of the Act to Pondicherry.—It the application of this Act to the Union territory of Pondicherry.—	
			(a) references to the dates specified in sections 37 (1) and (2) and 125 (1) shall be construed as references to the 1st day of November, 1954;	
			(b) reference to the Is day of December 1949, in sub-section (4) of section 8 shall be construe as a reference to the 1st day of April 1956;	
		Determine the comment of the comment	(c) references to the da specified in section 294 (3) (a), 295 (6) a 618 shall be construt as references to the commencement of the commencement o	
			(d) reference to the 15 day of August, 19 in sub-section (4) section 325 shall construed as a refence to the date expiry of three meths from the comencement of this in that Union tentory;	
		The second plant and	(e) references to the 11 day of August, 19 in section 330 a sub-section (1) of stion 332 shall be cotrued as referen	

Year		l N	O. Short title		l to the state of
1			Short due		Modifications
			3		4
					to the date of expiry of two years from the commencement of this Act in that Union territory; (f) reference to the 1st day of March, 1958, in section 361 shall be construed as a reference to the 1st day of March, 1964.".
					(ii) In section 3 (r) (ii), after sub-clause (3) of clause (f) insert—
					"or (4) in the Union territory of Pondicherry or any part thereof, before the commencement of the Indian Companies Act, 1913, therein;".
1956.		30	The Hindu Succession Act, 1956	I	n section 2, after sub- section (2), insert—
70.00					"(2A) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall ap- ply to the Renon- cants of the Union
1956		33	The Inter-State Water Disputes Act, 1956.	1	territory of Pondi- cherry."
1956		48	The National Highways Act, 1956		
1956		49	The River Boards Act, 1956		
1956		53	The Lok Sahayak Sena Act, 1956		
1956		61	The Khadi and Village Industries Commission Act, 1956.		
1956		69	The Terminal Tax on Railway Passengers Act, 1956.		
1956	I	02	The Indian Medical Council Act, 1956.	Ac as to che op	Any reference to a izen of India in the stable be construed including a reference a person of Pondierry origin who has ted to retain his each nationality in

12 The State of th	1	the state of the s	And the state of t
Year	No.	Short title	Modifications
I	2	3	4
			pursuance of the Treaty of Cession; (ii) In sub-section (2) of section 13, omit the word "and" at the end of clause (a) and insert the following as clause (c)— "and (c) before the 16th day of August, 1962, by a medical institution in the former French Establishments in India,"; (iii) Omit the following entries from the Second Schedule— "Pondicherry Medical School, Pondicherry Medicine de 'Ecole de Pondicherry (Diploma)."; (iv) At the end of Part I of the Third Schedule, add the following— "Ecole de Medicine Diploma de Ecole Medicine, Pondicherry D.E.M.P.".
1057	74	The Converient Act 1057	
1957	20	The Copyright Act, 1957 The Coal Bearing Areas (Acquisi-	
		tion and Development) Act, 1957.	
1957	23	The Railway Protection Force Act, 1957.	
1957	46	The Cantonments (Extension of Rent Control Laws) Act, 1957.	
1957	58	The Additional Duties of Excise (Goods of Special Importance) Act, 1957.	
1957	62	The Navy Act, 1957	
1957	67	The Mines and Minerals (Regulation and Development) Act, 1957.	Sub-section (1) of 16 and section 30A have effect as if for words and figures fore the 25th October, 1949" words "before the mencement of this were substituted.

Year	No.	Short title	Modifications
I	2	3 9	4
1958	24	The Ancient Monuments and Archaeological Sites and Remains Act, 1958.	despression a
1958	27	The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958.	Journal (i)
1958	32	The Public Premises (Eviction of Unauthorised Occupants) Act, 1958.	Slower (ii)
1958	43	The Trade and Merchandise Marks Act, 1958.	emalent
1958	44	The Merchant Shipping Act, 1958	
1959	23	The Cost and Works Accountants Act, 1959.	
1959	31	The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959.	
1959	43 .	The Oil and Natural Gas Commission Act, 1959.	
1959	46	The Government Savings Certificates Act, 1959.	
1959	54	The Arms Act, 1959.	
1960	59	The Prevention of Cruelty to Animals Act, 1960.	
1960	60	The Children Act, 1960.	
1961	23	The Criminal Law Amendment Act, 1961.	
1961	27	The Motor Transport Workers Act,	
1961	47	The Deposit Insurance Corporation Act, 1961.	
1961	52	The Apprentices Act, 1961	
1961	53	The Maternity Benefit Act, 1961.	

THE SECOND SCHEDULE

(See section 4)

- 1. All laws relating to Fete Legale (Legal Holidays).
- 2. All laws relating to local banishment and in particular-
 - (i) Law of 9th July, 1852;
 - (ii) Article 19 of Law dated the 27th May, 1885;
 - (iii) Decree dated the 30th October, 1935;
 - (iv) Act No. 50-374 dated the 29th March, 1950;
 - (v) Arrete No. 1434 dated the 28th September, 1950.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.

ERRATA

1. In the Agricultural Refinance Corporation Act, 1963 (10 of 1963) as published in the Gazette of India, Extraordinary, 1963, Pt. II, Section 1, dated March 25, 1963—

Page 75-

In the substituted clause (aa) of item 1 of the Second Schedule, line 2, for "the" read "this".

2. In the Finance Act, 1963 (13 of 1963) as published in the Gazette of India, Extraordinary, 1963, Pt. II, Section 1, dated April 29, 1963—

Page 152-

In the First Schedule, in clause (a) of Paragraph C, line 1, for "of" read "for".

The Gazette



of India

EXTRAORDINARY PART II-Section 1 PUBLISHED BY AUTHORITY

No. 23] NEW DELHI, MONDAY SEPTEMBER 2, 1963/BHADRA 11, 1885

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 2nd September, 1963/Bhadra 11, 1885 (Saka)

THE DADRA AND NAGAR HAVELI (CIVIL COURTS AND MISCELLANEOUS PROVISIONS) REGULATION, 1963

No. 8 of 1963

Promulgated by the President in the Fourteenth Year of the Republic of India.

A Regulation to provide for the constitution of civil courts in the Union territory of Dadra and Nagar Haveli and for certain other matters.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him: -

- 1. (1) This Regulation may be called the Dadra and Nagar Haveli Short title, (Civil Courts and Miscellaneous Provisions) Regulation, 1963.
 - extent and commence-
- (2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

SUBORDINATE COURTS

2. (1) On and from the commencement of this Regulation, in addi- Classes of tion to the courts established under any other law for the time being courts.

in force, there shall be in the Union territory of Dadra and Nagar Haveli (which shall be a district for the purposes of this Regulation)-

- (a) a court of the District Judge; and
- (b) a court of the Civil Judge.
- (2) The District Judge and the Civil Judge shall be appointed by the Central Government after consultation with the High Court at Bombay (hereinafter referred to as the High Court).

Situation of courts.

3. The place at which any court under this Regulation shall be held may be fixed and may from time to time be altered by the Administrator of Dadra and Nagar Haveli.

Seal of the court.

4. Every court under this Regulation shall use a seal of such form and dimensions as are for the time being prescribed by the Central Government after consultation with the High Court.

Jurisdic_ tion courts of Judge and the Civil the Judge.

5. (1) The court of the District Judge shall be the principal civil court of original jurisdiction in the district within the meaning of the District the Code of Civil Procedure, 1908.

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- (2) The jurisdiction of the court of the District Judge and the court of the Civil Judge shall extend to all original suits and proceedings of a civil nature.
- (3) The court of the Civil Judge shall be subordinate to the court of the District Judge and subject to the general superintendence and control of the High Court, the court of the District Judge shall have general control over the court of the Civil Judge and its establishment, and the District Judge may give such directions with respect to matters not provided for by law as he may think necessary.

Appeals.

- 6. (1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of the court of the District Judge shall lie to the High Court.
- (2) An appeal from a decree or order of the court of the Civil Judge shall lie-
 - (a) to the court of the District Judge where the value of the original suit in which or in any proceeding arising out of which the decree or order has been made, does not exceed ten thousand rupees; and
 - (b) to the High Court in any other case.
- 7. The Central Government may, by notification in the Official Small cause jurisdiction Gazette, confer within such local limits as it thinks fit, on the court court of the Civil Judge the jurisdiction of a Judge of the court of Small

1887.

Causes under the Provincial Small Cause Courts Act, 1887, for the trial of the Civil of small cause suits up to such value not exceeding fifteen hundred rupees as the Central Government thinks fit, and may withdraw any jurisdiction so conferred

8. (1) The High Court may, by general or special order, authorise Exercise by the court of the Civil Judge to take cognizance of, and the court of court of the District Judge to transfer to the court of the Civil Judge, any of jurisdicproceeding or any class of proceedings specified in such order, under-tion

certain pro-

ceedings.

court of District Judge in

= 1890.

(a) the Guardians and Wards Act, 1890, or

1920.

(b) the Provincial Insolvency Act, 1920, or

1925

- (c) the Indian Succession Act. 1925.
- (2) The District Judge may withdraw any such proceeding taken cognizance of by, or transferred to, the court of the Civil Judge and may dispose of it himself.
- (3) Proceedings taken cognizance of by, or transferred to, the court of the Civil Judge shall be disposed of by it subject to the rules applicable to like proceedings in the court of the District Judge.
- 9. In the event of the death of the District Judge, or of his being Temporary incapacitated by illness or otherwise for the performance of his discharge duties or of his absence from the station in which his court is held, of District the Civil Judge shall, without interruption to his ordinary duties, Judge. assume charge of the District Judge's office and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of processes and the like, and shall continue to be in charge of the office until the same is resumed or assumed by an officer duly appointed thereto.

10. The ministerial officers of the courts of the District Judge and Ministerial the Civil Judge shall be appointed by the District Judge.

officers courts.

11. (1) The courts of the District Judge and the Civil Judge shall Holidays have holidays on Sundays, New Year's Day, Good Friday and Christ- and mas Day and such other days as may be sanctioned by the High Court.

- (2) The High Court may also permit the said courts to adjourn from time to time for periods not exceeding in the whole six weeks in each year.
- 12. (1) The Advocates Act, 1961, as amended by sub-section (2), Extension shall extend to, and come into force in, the Union territory of Dadra of the and Nagar Haveli:

Advocates Act. 1961.

Provided that the provisions of the said Act which have not been brought into force immediately before the commencement of this

Regulation in the areas to which the said Act extends shall come into force only on such date or dates as the Central Government may, by notification under sub-section (3) of section 1 of the said Act, appoint.

- (2) In sub-section (1) of section 3 of the said Act,-
 - (i) in clause (a), the word "Maharashtra" shall be omitted;
- (ii) after clause (c), the following clause shall be inserted, namely:—
 - "(cc) for the State of Maharashtra and the Union territory of Dadra and Nagar Haveli, to be known as the Bar Council of Maharashtra;".

Pending proceed-ings.

- 13. (1) Any proceeding of a civil nature pending in a court immediately before the commencement of this Regulation shall, on such commencement, be deemed to be transferred to the court exercising jurisdiction under this Regulation or the High Court in which the proceeding would have lain if it had been instituted after such commencement, and the court to which the proceeding is transferred or the High Court shall proceed to try, hear and determine the matter as if it had been pending therein.
- (2) Any appeal from a decree or order passed by a court and not appealed against before the commencement of this Regulation shall lie to the court exercising jurisdiction under this Regulation or the High Court to which such appeal would have lain if it had been preferred after such commencement.
- (3) Any decree or order passed before the commencement of this Regulation by any court shall be deemed for the purpose of execution to have been passed by the court exercising jurisdiction under this Regulation which corresponds, so far as may be, to the jurisdiction of the court which passed the decree or order or, as the case may be, by the High Court:

Provided that nothing in sub-section (1) or sub-section (2) shall be construed as extending the period of limitation to which any suit or appeal or application may be subject.

Power to remove difficulties.

14. If any difficulty arises in giving effect to the provisions of this Regulation, the Central Government may, by order in the Official Gazette, make such provisions as appear to it to be necessary or expedient for the removal of the difficulty.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.



of India

EXTRAORDINARY PART II-Section 1 PUBLISHED BY AUTHORITY

No. 34] NEW DELHI, MONDAY, NOVEMBER 11, 1963/KARTIKA 20, 1885

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 11th November, 1963/Kartika 20, 1885 (Saka)

THE NAGALAND SECURITY (AMENDMENT) REGULATION, 1963

No. 9 OF 1963

Promulgated by the President in the Fourteenth Year of the Republic of India.

A Regulation to amend the Nagaland Security Regulation, 1962.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him: -

1. (1) This Regulation may be called the Nagaland Security Short title (Amendment) Regulation, 1963.

and commencement.

- (2) It shall come into force at once.
- 2. In Chapter II of the Nagaland Security Regulation, 1962,-

Amend-(i) for the existing heading, the following heading shall be Regulation substituted, namely:-

"Access to certain places and areas and shifting from INHABITED AREAS":

(ii) after section 5, the following section shall be inserted, namely:—

Power to shift persons from inhabited areas.

- "5A. (1) If the Governor considers it necessary or expedient so to do in the public interest or in the interest of the safety and security of Nagaland, he may, by order, direct, in respect of any inhabited area to be specified in that order (hereinafter referred to as the said area), that, subject to any exemptions made by him by general or special order,—
 - (a) all residents or any class of residents shall remove themselves or be removed from the said area to any other area specified by the Governor and remain in that other area for such period as may be specified by him;
 - (b) all residents or any class of residents in the said area shall remain therein for such period as may be specified by the Governor;
 - (c) any animals or property or any specified class of animals or property shall be removed from the said area to any other area specified by the Governor;

and may do any other act involving interference with private rights of property which is necessary for any of the purposes aforesaid.

- (2) An order made under sub-section (1) for the removal of residents, animals or property may specify—
 - (a) the route or routes by which all or any class of residents, animals or property are to remove themselves or be removed from the said area;
 - (b) the time by which they are to remove themselves or be removed therefrom;

and may make such other incidental and supplementary provisions as may appear necessary or expedient for the purposes of the said order.

- (3) If any person contravenes any order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.
- (4) If any order made under clause (c) of sub-section (1) is contravened in respect of any animal or property, the person in charge of such animal or property shall be deemed to have contravened the order.
- (5) Where the Governor considers that on account of compliance with any order made under sub-section (1) any

residents have been adversely affected, the Governor may grant such amount (either in cash or in kind) for their maintenance or relief as he may consider to be just and proper.".

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.

CORRIGENDUM

In the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 (1 of 1957) published in a Gazette of India Extraordinary, Part II, Section 1, dated the 11th March, 1957, on page 50, in section 73, for the first line of sub-section (2), read "(2) When the assessment list has been completed, the Board shall".

The Gazette



of India

EXTRAORDINARY

PART II-Section 1

PUBLISHED BY AUTHORITY

NEW DELHI, WEDNESDAY, DEC. 11, 1963/AGRAHAYANA 20, 1885 No. 40]

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 11th December, 1963/Agrahayana 20, 1885 (Saka)

THE GOA, DAMAN AND DIU (JUDICIAL COMMISSIONER'S COURT) REGULATION, 1963

No. 10 OF 1963

Promulgated by the President in the Fourteenth Year of the Republic of India.

A Regulation to provide for the constitution of a Judicial Commissioner's Court in Goa, Daman and Diu and for certain other matters.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:-

PART I

PRELIMINARY

1. (1) This Regulation may be called the Goa, Daman and Diu Short title, (Judicial Commissioner's Court) Regulation, 1963.

extent and commencement.

- (2) It extends to the whole of Goa, Daman and Diu.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. In this Regulation, unless the context otherwise requires,— Definitions.
 - (a) "Administrator" means the administrator of Goa, Daman and Diu appointed by the President under article 239 of the Constitution:
 - (b) "Goa, Daman and Diu" means the Union territory of Goa, Daman and Diu.

· PART II

COURT OF THE JUDICIAL COMMISSIONER

Establishmissioner.

3. On and from the commencement of this Regulation, there shall ment of the be established for Goa, Daman and Diu, a Court to be known as the Judicial Com Court of the Judicial Commissioner for Goa, Daman and Diu which shall consist of the Judicial Commissioner and such number of Additional Judicial Commissioners, if any, as may be determined by the Central Government from time to time.

Appointment of Judicial Commissiotiona J dicial Commissioners.

- 4. (1) The Judicial Commissioner and any Additional Judicial Commissioner shall be appointed by the President and shall hold nerand Addi- office during the pleasure of the President.
 - (2) A person shall not be qualified for appointment as the Judicial Commissioner or an Additional Judicial Commissioner unless he is qualified for appointment as a Judge of a High Court under clause
 - (2) of article 217 of the Constitution or unless he is, or has been, or has the qualifications for appointment as, a Judge of the Tribunal de Relacao functioning in Goa, Daman and Diu immediately before the commencement of this Regulation.

Casual va-

5. On the occurrence of a vacancy in the office of the Judicial the office of Commissioner, the Additional Judicial Commissioner, or where there Commissio- are more Additional Judicial Commissioners than one, the seniormost among them shall, pending the appointment of the Judicial Commissioner, act as the Judicial Commissioner.

sioner.

- 6. (1) The Judicial Commissioner shall have rank and precedence dence and before any Additional Judicial Commissioner and shall be responsiresponsibility of Judible for the administration of, and generally for the distribution of cal Commis- business of, the Court of the Judicial Commissioner.
 - (2) The rank and precedence of the Additional Judicial Commissioners shall be according to their date of appointment.

Exercise of iurisdiction by Judicial Commissioner and Additional Judicial Commissioners.

- 7. (1) Subject to such rules as the Judicial Commissioner may make as regards the transaction of the business of the Court, when the Court of the Judicial Commissioner consists of the Judicial Commissioner and one or more Additional Judicial Commissioners, the jurisdiction of the Court of the Judicial Commissioner shall be exercised by a Bench consisting of the Judicial Commissioner and such Additional Judicial Commissioner or, as the case may be, such Additional Judicial Commissioners.
- (2) Where there is a difference of opinion among the members of the Bench on any matter coming up before it for determination the opinion of the majority shall prevail and the orders of the Cour of the Judicial Commissioner shall be in terms of the views of the majority:

Provided that where there is no such majority which concur in a judgment varying or reversing the decree, order or sentenof the subordinate court, such decree, order or sentence shall be confirmed.

- 8. (1) The Court of the Judicial Commissioner shall be the Civil and highest civil and criminal court of appeal and revision in Goa, Daman criminal and Diu and shall have all such jurisdiction as under the law in of the court force immediately before the commencement of this Regulation was exercisable in respect of that territory by the Tribunal de Relacao. sioner.
- (2) Without prejudice to the generality of the provisions of subsection (1),—
 - (a) appeals from the judgments, decrees, orders and sentences of subordinate courts in Goa, Daman and Diu shall lie, subject to the provisions of any law for the time being in force, to the Court of the Judicial Commissioner;
 - (b) the Court of the Judicial Commissioner may call for the record of any case which has been decided by a subordinate court and in which no appeal lies to it, and—
 - (i) if such subordinate court appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction with material irregularity, or
 - (ii) if on an application made to it the Court of the Judicial Commissioner is of opinion that there is an important question of law or custom involved and such question requires further consideration,

the Court of the Judicial Commissioner may make such order in the case as it thinks fit:

Provided that no application under sub-clause (ii) of this clause shall be admitted after the expiration of ninety days from the date of the order in respect of which the application is made unless the applicant satisfies the Court of the Judicial Commissioner that he had sufficient cause for not making the application within that period.

9. Subject to such conditions and limitations as may be prescribed Reference by rules made by the Judicial Commissioner, any subordinate court to the Court may state a case and refer the same for the opinion of the Court of cial Commisthe Judicial Commissioner, and the Court of the Judicial Commissioner may make such order thereon as it thinks fit:

Provided that where a subordinate court is satisfied that a case pending before it involves a question as to the validity of any law in force the determination of which is necessary for the disposal of the case and is of opinion that such law is invalid or inoperative, the subordinate court shall state a case stating its opinion and the reasons therefor and refer the same for the opinion of the Court of the Judicial Commissioner.

Registrar and ministerial officers.

- 10. (1) The Administrator may, after consultation with the Judicial Commissioner, appoint a Registrar and the Judicial Commissioner may, with the concurrence of the Administrator, appoint such other ministerial officers as may be necessary for the administration of justice by the Court of the Judicial Commissioner and subordinate courts and for the exercise and performance of the powers and duties conferred or imposed on such court or courts by this Regulation or any other law for the time being in force.
- (2) The Judicial Commissioner may make rules for delegating to the Registrar such powers and such duties of a judicial, quasijudicial or non-judicial nature as he deems fit. The ministerial officers shall exercise such powers and perform such duties of a quasijudicial or non-judicial nature as the Judicial Commissioner may direct.

Superintendence and control of subordinate courts and ribunale.

- 11. (1) The general superintendence and control over all courts and tribunals in Goa, Daman and Diu shall vest in, and all such courts and tribunals shall be subordinate to, the Court of the Judicial Commissioner.
- (2) In exercise of the powers of superintendence and control vested in it, but without prejudice to the generality of such powers, the Court of the Judicial Commissioner may do any of the following things, that is to say-
 - (a) call for returns;
 - (b) direct the transfer of any suit or appeal from any subordinate court to any other court of equal or superior jurisdiction:
 - (c) make rules and issue general directions and prescribe forms for regulating the practice and procedure of subordinate courts:
 - (d) prescribe forms in which books, entries and accounts shall be kept by the officers of any such court.

statements to be kept by Court of Judicial Commissio-

- 12. (1) The Court of the Judicial Commissioner shall keep such books, accounts and registers, books and accounts as may be necessary for the transaction of the business of the Court and shall forward to the Administrator such of those registers, books and accounts and such statements of the work done in the Court as may, from time to time, be required by the Administrator.
 - (2) The Court of the Judicial Commissioner shall also comply with such requisitions as may be made by the Central Government or the Administrator for certified copies of, or extracts from, records of the Court of the Judicial Commissioner or any Court subordinate thereto.

13. All proceedings before the Court of the Judicial Commis-Proceedings sioner shall, unless the Court otherwise directs in any particular of Judicial case, be open to the public.

before Court Commissioner to be open to public.

14. (1) Until other provision is made by law in this behalf, the Admission Court of the Judicial Commissioner may, subject to such rules as of advocates. it may with the approval of the Administrator make, admit proper persons to be advocates in any court in Goa, Daman and Diu and may remove or suspend from practice on reasonable cause any person so admitted; and may authorise such advocates to plead or to act or to plead and act for parties in all proceedings before such court:

Provided that all persons entitled to practise before the courts or tribunals in Goa, Daman and Diu immediately before the commencement of this Regulation shall be entitled to be admitted as advocates.

- (2) No person other than an advocate shall be allowed to plead or to act or to plead and act for parties except that any party may appear, plead or act on his own behalf or on behalf of a co-party.
- 15. The Court of the Judicial Commissioner shall be a Court of Seat of the record and shall sit at Panjim or such other place or places, if any, Court of the as the Judicial Commissioner may, with the approval of the Admi-Commissionistrator, from time to time, appoint,

PART III

SUBORDINATE COURTS

- 16. All courts including the Courts of Comarca and Julgado Existing functioning immediately before the commencement of this Regula- courts tion shall be courts subordinate to the Court of the Judicial Commissioner and shall, subject to the provisions of this Regulation, continue to exercise the same jurisdiction and powers as they were exercising immediately before such commencement.
- 17. (1) The Courts of Comarca shall be principal civil courts of Courts original jurisdiction within the limits of the territory to which their Comarca to jurisdiction extended immediately before the commencement of civil courts this Regulation and the Administrator may alter such limits in of original consultation with the Judicial Commissioner. Jurisdiction.
- (2) The Administrator may, in consultation with the Judicial Commissioner, make rules relating to the recruitment and conditions of service of persons to be appointed as judges of the subordinate courts.

PART, IV

SUPPLEMENTAL PROVISIONS

Seal.

18. The Court of the Judicial Commissioner shall use a seal of such form and design as may be prescribed by the Administrator in consultation with the Judicial Commissioner.

Language of the courts.

- 19. The language of the Court of the Judicial Commissioner and the subordinate courts shall be the language which immediately before the commencement of this Regulation was the language of the Tribunal de Relacao or such subordinate courts, as the case may be, or English.
- Power to make rules. 20. (1) The Court of the Judicial Commissioner may, from time to time, make rules, consistent with this Regulation, for carrying out the purposes of this Regulation and, in particular, for all or any of the following matters, namely:—
 - (a) the transaction of the business of the Court of the Judicial Commissioner and the procedure to be followed therein;
 - (b) the supervision of all courts subordinate to the Court of the Judicial Commissioner and their visitation and inspection;
 - (c) the translation of any papers filed in the Court of the Judicial Commissioner and the preparation of paper books for hearing appeals and the copying and typing or printing of any such papers or translation and the recovery from the persons at whose instance or on whose behalf papers are filed, of the expenses thereby incurred;
 - (d) the court-fees payable for instituting proceedings in the Court of the Judicial Commissioner and the fees to be charged for processes issued by that Court, or by any officer of that Court, and the amount payable in any proceeding in that Court in respect of fees of the advocate of any party to such proceeding;
 - (e) the approval, admission, enrolment, removal and suspension of advocates;
 - (f) any other matter which has to be prescribed.
 - (2) Until rules are made under sub-section (1), the rules, regulations and orders in force immediately before the commencement of this Regulation shall be applicable in so far as they are not inconsistent with the provisions of this Regulation.

Vacation.

21. (1) Subject to the approval of the Administrator, the Judicial Commissioner shall prepare a list of days to be observed in each

year as closed holidays in the Court of the Judicial Commissioner and the courts subordinate to that Court.

- (2) The list shall be published in the Official Gazette.
- (3) Any judicial act done by a court on a day specified in the list shall not be invalid by reason only of its having been done on that day.
- 22. (1) The Tribunal de Relacao functioning in Goa, Daman and Abolition of Diu immediately before the commencement of this Regulation is the Tr.bunal de Relação.
- (2) The Chief Justice and the Judges of the Tribunal de Relacao and all officers of that Tribunal shall be Judicial Commissioner, Additional Judicial Commissioners and officers of the Court of the Judicial Commissioner respectively until appointments are made in accordance with the provisions of this Regulation.
- 23. (1) The abolition of the Tribunal de Relacao under section Existing 22 shall not prejudicially affect the continued operation of any notice affected. served, injunction issued, direction made or proceedings taken before the commencement of this Regulation by that Tribunal under the powers then conferred upon it.

- (2) Every appeal or other proceeding pending before the Tribunal de Relacao immediately before the commencement of this Regulation shall, on such commencement, stand transferred to the Court of the Judicial Commissioner, which shall proceed to try, hear and determine the matter as if it had been pending in that court.
- (3) Every decree or order made or sentence passed by the Tribunal de Relacao shall be deemed for the purpose of execution to have been made or passed by the Court of the Judicial Commissioner.
- 24. References in any law in force in Goa, Daman and Diu to the Ru'e of con-Tribunal de Relacao or High Court functioning therein immediately struction. before the commencement of this Regulation shall be construed as references to the Court of the Judicial Commissioner.
- 25. The provisions of this Regulation including any rules made Effect thereunder shall have effect notwithstanding anything inconsistent other laws. therewith contained in any other law in force in Goa, Daman and Diu.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.

The Gazette



of India

EXTRAORDINARY PART II-Section 1 PUBLISHED BY AUTHORITY

No. 45] NEW DELHI, THURSDAY, DEC., 19, 1963/AGRAHAYANA 28, 1885

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 19th December, 1963/Agrahayana 28, 1885 (Saka)

THE GOA, DAMAN AND DIU (LAWS) No. 2 REGULATION, 1963

No. 11 OF 1963

Promulgated by the President in the Fourteenth Year of the Republic of India.

A Regulation to extend certain laws to the Union territory of Goa, Daman and Din.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:-

1. (1) This Regulation may be called the Goa, Daman and Diu Short (Laws) No. 2 Regulation, 1963.

com-

- (2) It shall come into force at once.
- 2. In this Regulation, unless the context otherwise requires,-

(a) "Act" means an Act specified in the Schedule;

Definitions.

- (b) "Goa, Daman and Diu" means the Union territory of Goa, Daman and Diu;
 - (c) "Lieutenant-Governor" means the Administrator of Goa, Daman and Diu.
- 3. (1) The Acts, as they are generally in force in the territories to Extension which they extend, shall extend to Goa, Daman and Diu, subject with amendthe modifications, if any, specified in the Schedule.

certain laws to Goa.

Daman and Diu and their commencement therein.

(2) Notwithstanding anything contained in sub-section (1) or in the relevant provision, if any, of each such Act for the commencement thereof, the provisions of each such Act shall come into force in Goa, Daman and Diu on such date as the Lieutenant-Governor may, by notification in the Goa, Daman and Diu Gazette, appoint:

Provided that different dates may be appointed for different provisions of any Act and for different areas and any reference in any such provision to the commencement of the Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

Repeal and saving.

- 4. (1) Any law in force in Goa, Daman and Diu or any area thereof corresponding to any Act referred to in section 3 or any part thereof shall stand repealed as from the coming into force of such Act or part in Goa, Daman and Diu or such area, as the case
 - (2) Nothing in sub-section (1) shall affect—
 - (a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or
 - (b) any right, privilege, obligation or liability acquired. accrued or incurred under any law so repealed; or
 - (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
 - (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made:

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted, or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act extended to Goa, Daman and Diu by this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act

Extension of

5. All rules, notifications, orders, regulations and bye-laws made rules, orders, or issued by the Central Government under the provisions of any certain laws. Act generally for the territories to which such Act extends shall, as from the commencement of the provisions of such Act in Goa, Daman and Diu, extend to, and come into force in Goa, Daman and Diu.

6. Anything done or any acoron taken by the Life Insurance Cor- Validation poration of India in Goa, Dan an and Diu which would have been of acts of validly done on taken had the Insurvalidly done or taken had the Insurance Act, 1938, and the Life ance Corpo-Insurance Corporation Act, 1956, been in force in that Union territory ration. when such thing was done or action was taken shall, notwithstanding anything contained in any corresponding law repealed by the Goa, Daman and Diu (Laws) Regulation, 1962, or this Regulation, be deemed to have been validly done or taken.

7. (1) In any Act or in any of the rules, notifications, orders, Rule of regulations and bye-laws made or issued thereunder and extended to construc-Goa, Daman and Diu by this Regulation,-

(a) any reference to any provision of law not in force, or to any functionary not in existence, in Goa, Daman and Diu shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory:

Provided that-

M38. 956.

- (i) if any question arises as to who such corresponding functionary is, or
- (ii) if there is no such corresponding functionary, the Lieutenant-Governor shall decide as to who such functionary will be and his decision shall be final;
- (b) any reference to the State Government shall be construed as a reference to the Central Government and also as including a reference to the Lieutenant-Governor; and
- (c) any reference to the High Court shall be construed as a reference to the Court of the Judicial Commissioner established for that Union territory.
- (2) For the purpose of facilitating the application in relation to Goa, Daman and Diu of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.
- 8. If any difficulty arises in giving effect in Goa, Daman and Diu Power to to the provisions of any Act extended by this Regulation to that difficulties. Union territory, the Central Government may, by order in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.

9. In the Companies Act, 1956, as extended to the Union territory Amendment of Goa, Daman and Diu,of Act I of 1956.

(1) in section 3(1)(ii)—

(a) the following word and sub-clause occurring after sub-clause (2) of clause (f) shall be omitted and shall be deemed always to have been initted, namely: -

"or

- (3) in the Union territory of Goa, Daman and Diu or any part thereof, before the commencement of this Act therein;";
- (b) the word "and" at the end of clause (e) shall be omitted and after clause (f), the following clause shall be inserted and shall be deemed always to have been inserted, namely:---
 - '(g) The Portuguese Commercial Code (Carta Lei of the 11th April, 1901), in so far as it relates to "Sociedades anonimas";
- (2) after section 620A, the following section shall be inserted. namely:—

"Special provision as to companies in Goa, Daman and Diu

620B. The Central Government may, by notification in the Official Gazette, direct that for such period or periods with effect from the 26th January, 1963, or any subsequent date, any of the provisions of this Act specified in the notification shall not apply, or shall apply only with such exceptions and modifications or adaptations as may be specified in the notification, to—

- (a) any existing company in the Union territory of Goa, Daman and Diu;
- (b) any company registered in the said Union territory under this Act on or after the 26th January, 1963.".

THE SCHEDULE (See section 2)

Year	No.	Short title	Modifications
I	2	. 3	4
1850	37	The Public Servants (Inquiries) Act, 1850.	
1867	3	The Public Gambling Act, 1867.	
1870	7	The Court-fees Act, 1870.	
1872	1	The Indian Evidence Act, 1872.	
1872	9	The Indian Contract Act, 1872.	

Special provision as to companies in Goa, Daman and Diu.

Year	No.	Short title	Modifications
1	2	3	4
1878	6	The Indian Treasure-trove Act, 1878.	Charles To the Control of the Contro
1882	2	The Indian Trusts Act, 1882.	Contact of the second
1882	4	The Transfer of Property Act, 1882.	TO SERVICE TO SERVICE
1885	18	The Land Acquisition (Mines) Act, 1885.	
1886	6	The Births, Deaths and Marriages Registration Act, 1886.	In section 32, after the words and figures "at any time before the first day of April, 1891", insert "or in the case of the Union territory of Goa, Daman and Diu, before such date as may be specified by not ification by the Central Government".
1889	I	The Metal Tokens Act, 1889.	
1890	6	The Charitable Endowments Act, 1890.	And the State of t
1894	. 1	The Land Acquisition Act, 1894.	
1894	9	The Prisons Act, 1894.	
1895	15	The Government Grants Act, 1895.	
1897	8	The Reformatory Schools Act, 1897.	
1899	2	The Indian Stamp Act, 1899.	In sub-section (t) of section 57, after clause (f), insert—
			"(g) if it arises in the Union territory of Goa, Daman and Diu, to the High Court at Bombay.".
1899	13	The Glanders and Farcy Act, 1899.	In Schedule I, omit entry 30.
1900	3	The Prisoners Act, 1900.	
1908	16	The Indian Registration Act, 1908.	
1910	5	The Dourine Act, 1910.	
1912	4	The Indian Lunacy Act, 1912.	
1916	7	The Indian Medical Degrees Act, 1916.	
		Management of the second secon	

Year	No.	Short title	Modifications
I	2	3	4
1920	14	The Charitable and Religious Trusts Act, 1920.	Contest out and and
1920	33	The Identification of Prisoners Act, 1920.	Canada and a second
1927	16	The Indian Forest Act, 1927.	.0831
1929	19	The Child Marriage Restraint Act, 1929.	S brad ast Colsta Colst
1930	3	The Sale of Goods Act, 1930.	Ladra Burti Value Berry
1932		The Indian Partnership Act,	In section 1, for sub-section (3), substitute—
	Chips woll		"(3) It shall come into force at once except section 69,
	f innered	The latest property	which shall come into force on the 1st day of
	19	and the same and	January, 1965.".
1940	23	The Drugs Act, 1940.	sensor services
1942	18	The Weekly Holidays Act, 1942.	Deut Library
1945		The International Monetary Fund and Bank Act, 1945.	Self.
1947	48	The Indian Nursing Council Act, 1947.	Carrier of The Grand
1948	8	The Pharmacy Act, 1948.	
1948	16	The Dentists Act, 1948.	703
1948	34	The Employees' State Insurance Act, 1948.	e comment to the second
1948	37	The Census Act, 1948.	
1948	63	The Factories Act, 1948.	
1949	10	The Banking Companies Act	
1949	38	The Chartered Accountants Act, 1949.	s objects military for the party (83)
1949	46	The Banking Companies (Lega Practitioners' Clients' Accounts) Act, 1949.	
1951	63	The State Financial Corporation Act, 1951.	ns abox
1952	19	The Employees' Providen Funds Act, 1952.	
1952	37	The Cinematograph Act, 1952	with and the state of the state

			3-3
Year	No.	Short title	Modifications
1	2	3	
1953	12	The Khadi and other Handloor Industries Development (Additional Excise Duty on Cloth Act, 1953.	(Canda) of the and of
effer your, beneated an england and transfer that	the day of state of s		"(ia) in relation to the Union territory of Goa, Daman and Diu, the date on which this Act comes into force therein;".
1953	29		Omit sub-section (3) of section 17 and sub-sections (2) and (3) of section 18.
1953	32	The Collection of Statistics Act	,
1953	45	The Coir Industry Act, 1953.	
1954	21	The Drugs and Magic Remedies (Objectionable Advertise- ments) Act, 1954.	
1954	37	The Prevention of Food Adulteration Act, 1954.	Name and the same
1955	23	The State Bank of India Act, 1955.	
1955	32	The Prisoners (Attendance in Courts) Act, 1955.	
1955	43	The Prize Competitions Act,	on the least
1955	45	The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.	Omit section 4. In sub-section (1) of section 5, in clauses (b) and (c), omit "on or after the 1st day of July, 1961,".
1956		The Life Insurance Corporation Act, 1956.	After section 48, insert— '48A. Act to apply to Goa, Daman and Diu subject to modifications.—The provisions of this Act shall, in their application to the Union territory of Goa, Daman and Diu, have effect subject to the following modifications, namely:— (I) In section 2,— (i) for clause (1), the following clause shall be substituted, namely:— '(1) "appointed day" means—
			(i) in the case of any insurer incorporated or registered

Year	No.	Short title	Modifications
1	2	. 3	4
			in Portugal or the Portuguese-occupied territories outside India, the 8th June, 1962; and
			(ii) in the case of any other foreign insurer transacting life insurance business in the Union territory of Goa, Daman and Diu, the commencement of this Act; ';
		Manager of Capital	(ii) in sub-clause (ii) of clause (3),—
			(a) after item (b), the following proviso shall be inserted, namely:—
			"Provided that nothing contained in this sub-clause shall be deemed to include policies of insurance issued in favour of persons who have not opted to become citizens of India under the order issued under section 7 of the Citizenship Act, 1955 (57 of 1955);"; and (b) item (c) shall_be omitted.
			(2) Sections 11 and 12 shall be omitted.
			(3) In section 14 and sub-section (1) of section 15, for the figures, letters and words "19th day of January, 1956", the words "appointed day" shall be substituted.
			(4) In section 16, after subsection (2), the following sub-section shall be inserted, namely:—
			(3) Notwithstanding anything contained in subsection (1) or sub-section (2), no compensation shall be payable or be offered to an insurer incorporated or registered in Portugal or any of the Portuguese-occupied
		The Contract of the Contract o	

Year	No.	Short title	Modifications
I	2	3	4
State in the state of the state	A SERVICE SERV		territories, unless the Central Government is satisfied that the amounts, if any, which are due to be recovered from such insurer or to be remitted by such insurer to India have been or will be recovered or remitted in full."
	Action of the second of the se		(5) In section 30, for the words "certificate of registration under the Insurance Act", the following words shall be substituted, namely:—
india com india kan india kan india kan india ka	Vicinities Letter of the control of		"certificate or authorisation under the Insurance Act or under any other law, decree or order".
edh i u Lus sir s Lus sir s Arthores Arthores Mal soo	or 500 Sheer 10 Sheer 10 Sheer 22 Sheer 12 Sheer 12 Sheer 12 Sheer 12		(6) In section 35, after the words "insurer incorporated outside India", wherever they occur, the words "not being an insurer registered or incorporated in Portugal or the Portuguese-occupied territories" shall be inserted.
7 (1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-			(7) In section 36, after the proviso, the following proviso shal be inserted, namely:—
700 10 10 10 10 10 10 10 10 10 10 10 10 1	A SECTION OF THE PROPERTY OF T		"Provided further that no compensation shall be payable to the chief agents or special agents of insurers registered or incorporated in Portugal or the Portuguese-occupied territories unless (a) they are citizens of India, or (b) in the case of chief agents or special agents who are not citizens of India, the amounts, if any, due from such insurers have been recovered or remitted to India in full, or (c) the Central Government specifically authorises the payment of such compensation."

Year	No.	Short title	Modifications
I	2	3	4
			(8) In the First Schedule,—
			(i) in Part A,—
			(a) for the words, figures and
			letters "the 1st day of January, 1955", where-
	TO HAVE S		ever they occur, the
			words, figure and letters "the 1st day of the
			completed calendar year immediately preceding
			the appointed day" shall
			be substituted, for the words, figures and
			letters "the 31st day of December, 1955", the
			words "the last day of the
			completed calendar year immediately preceding
	nusi an		the appointed day" shall
	in 750 mil		be substituted and for the figures and word
	mino to :		"1950 to 1955", the figures and word "1956
			to 1961" shall be subs-
			tituted;
	SERVICE OF		(b) after the words "abstracts prepared in ac-
	Sent to		cordance with Part II
	Someon Towns		of the Fourth Schedule to the Insurance Act",
	Portuguis appropriate to so that		wherever they occur, the words "or in any other
			corresponding abstract,
		State	return or statement "shall be inserted;
		Did Ed	(c) in Paragraph 2, after the
			words "Form A in the
	mines is	47017 °	First Schedule to the Insurance Act", the words
			"or any other corres-
	100 345 100 34 10		ponding form or state- ment" shall be inserted;
	in parame		and
Laboration of the laboration o	and the same of	Bist	(ii) in Part B, for the words,
	No Division I	100 100	figures and letters "the 1st day of January, 1955",
		(3)	the words "the first day the completed calendar y
	10 30		immediately preceding the
			appointed day" shall be substituted and references
		575	to the 19th day of January, 1956 (except in paragraph
	(2) 30 (5)	and the second s	5) shall be changed into
	TOTAL STATE		references to the appointed day.
	Jeganna dan	10	

Yea	r No.	Short title	Modifications
	2	3	4
		The polyment of the control of the c	(9) In the Second Schedule, references to the 1st day of January, 1955 and the 31st day of December, 1955, shall be changed into references to the first day and the last day respectively of the completed calendar year immediately preceding the appointed day.
	-	The same of the sa	(10) In the Third Schedule,—
		A STATE OF THE STA	(i) in the first paragraph, for the words "seventy-five per cent.", the words "such percentage as the Central Government may fix" and for the words "ten years" the words "five years" shall be substituted; and
	ARRE	TARREST LINE SALES	(ii) in the second paragraph references to the 1st day of
		TAR S	January, 1952, and the 31st day of December, 1955, shall be changed into re- ferences to the 1st day of
	1	The state of the s	January, 1958, and the 31st day of December, 1961, respectively.'
1956	42	The Securities Contracts (Regulation) Act, 1956.	Terration des Augusta
1956	61	The Khadi and Village Industries Commission Act, 1956.	
1956	102	The Indian Medical Council Act, 1956.	In the Third Schedule—
		1430.	(i) in Part I, add at the end-
	LA STATE	Code Code and American pro-	"Medico- Surgical of Surgeon College, licentiate (Goa)."; Nova-Goa, of the Panjim. Medico- Surgeon (Goa)."; Medico- Surgical College, Nova-Goa.
			(ii) in Part II, omit the following:—
1956	104	The Suppose	"Medico-Surgeon (Goa), ".
- 750	104	The Suppression of Immoral Traffic in Women and Girls Act, 1956.	
1958	20	The Probation of Offenders Act, 1958.	

Year	No.	Short title	Modifications
1	2	3	4
1959	23	The Cost and Works Accountants Act, 1959.	The second secon
1959	31	The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959.	
1959	38	The State Bank of India (Subsidiary Banks) Act, 1959.	
1960	59	The Prevention of Cruelty to Animals Act, 1960.	
1961	27	The Motor Transport Workers Act, 1961.	
1961	52	The Apprentices Act, 1961.	
1961	53	The Maternity Benefit Act, 1961.	
1961	58	The Iron Ore Mines Labour Welfare Cess Act, 1961.	

S. RADHAKRISHNAN.

President.

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EXTRAOKDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 4 1 NEW DELHI, MONDAY, MARCH 23, 1964/CHAITRA 3, 1886

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 23rd March, 1964/Chaitra 3, 1886 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL BOARDS) AMENDMENT REGULATION, 1964

No. 1 of 1964

Promulgated by the President in the Fifteenth Year of the Republic of India.

A Regulation further to amend the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him: -

1. (1) This Regulation may be called the Andaman and Nicobar Short title com-Islands (Municipal Boards) Amendment Regulation, 1964.

mencement.

- (2) It shall come into force at once.
- 2. In section 9 of the Andaman and Nicobar Islands (Municipal Amendof 1957. Boards) Regulation, 1957 (hereinafter referred to as the principal section 9. Regulation),---

- (a) in sub-section (1), for the words "three years", the words "four years" shall be substituted;
- (b) to sub-section (1) as so amended, the following proviso shall be added at the end, namely: -

"Provided that an elected or nominated member holding office at the commencement of the Andaman and Nicobar Islands (Municipal Boards) Amendment Regulation, 1964, shall retain such office for a further period of one year from the date on which, but for this proviso, he would have ceased to hold the office.";

- (c) after sub-section (1) as so amended, the following subsection shall be inserted, namely:—
 - "(1A) Notwithstanding anything contained in sub-section (1), the Chief Commissioner may, if he is satisfied that in order to avoid administrative difficulty it is necessary to do so, by notification extend the term of office of the members as a whole by such period or periods, not exceeding one year in the aggregate, as may be specified in the notification.".

Amendment of 3. In section 15 of the principal Regulation, in sub-section (1), the section 15. words, brackets and figure "sub-section (1) of" shall be omitted.

Amendment of 4. In section 16 of the principal Regulation, in sub-section (1), the section 16. words, brackets and figure "sub-section (1) of" shall be omitted.

Insertion of new section 27A.

5. After section 27 of the principal Regulation, in Chapter III, the following section shall be inserted, namely:—

Penalty for acquisition by municipal officer or servant of interest in contract or work.

"27A. If any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employer or servant, any share or interest in any work done for the Board, or in any contract or employment with, by, or on behalf of, the Board, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

45 of 1960.

Provided that no person shall, by reason of being a share-holder in, or a member of, any company, be held to be interested in any contract entered into between such company and the Board.".

AmendMent of first proviso to sub-section (2), the words "and illegal" shall be omitted.

Amendment of Section 30.

- 7. In section 30 of the principal Regulation, in sub-section (1),—
 - (i) in clause (c), the words "to whipping or" shall be omitted:
 - (ii) for clause (d), the following clause shall be substituted, namely:—
 - "(d) if he has, directly or indirectly, any share or interest in any work done for the Board, or in any contract or employment, with, by, or on behalf of, the Board:

Provided that no person shall be deemed to have a share-

or interest in any such work, contract or employment hv reason only of his-

- (i) having a share in any company or firm which may contract with or be employed by or on behalf of the Board, or
- (ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or
- (iii) having a share or interest in any lease, sale, exchange or purchase of immovable property or any agreement for the same, or
- (iv) having a share or interest in the occasional sale to the Board, to a value not exceeding two thousand rupees in any one financial year, of any article in which he trades:".
- 8. In section 31 of the principal Regulation, in clause (a) of sub-Amendsection (1), the words "or illegal" shall be omitted.

ment of section 31.

9. In section 32 of the principal Regulation,—

Amend-

- (a) in sub-section (1), the brackets and figure "(1)" shall be ment of section 32. omitted, and in clause (v), for the words and figures "sections 123 and 124", the word and figures "section 123" shall be substituted:
 - (b) sub-section (2) shall be omitted.
- 10. In section 37 of the principal Regulation, in sub-section (1), the Amendment of section 37. words "or illegal" shall be omitted.

11. In section 38 of the principal Regulation, the words "or illegal" Amendshall be omitted.

ment of section 38.

- 12. In section 54 of the principal Regulation, in sub-section (1), Amendon after the words "delegate to one or more of its members", the words section 54. "or to the Secretary of the Board" shall be inserted.
- 13. In section 55 of the principal Regulation, in the proviso to Amendsub-section (1), after the words "or signatures of the member or section 55. members", the words "or the signature of the Secretary" shall be inserted.
- 14. In section 71 of the principal Regulation, for clause (i) of Amendsub-section (5), the following clause shall be substituted, namely:— section 71.
 - "(i) give his approval to the resolution after making any change in its form which appears to him to be necessary; or".

Omission of section 187.

15. Section 187 of the principal Regulation shall be omitted.

Amendment of section 188.

- 16. In section 188 of the principal Regulation, after sub-section (2), the following sub-section shall be inserted, namely:—
 - "(3) Every case in which the powers conferred by this section are exercised by the Deputy Commissioner shall be forthwith reported by him to the Chief Commissioner, with the reasons in full for the exercise of such powers, and a copy of the report shall at the same time be sent to the Board for information.".

Amendment o section 190. 17. In section 190 of the principal Regulation, the words and figures "section 187 or" shall be omitted.

Insertion of new section 191 A.

18. After section 191 of the principal Regulation, the following section shall be inserted, namely:—

Power to suspend or cancel resolutions, etc

- "191A. The Chief Commissioner may, by order in writing-
- (i) suspend or cancel any resolution passed, order issued. or licence or permission granted, or
- (ii) prohibit the doing of any act which is about to be done or is being done,

in pursuance or under colour of this Regulation, if, in his opinion,-

- (a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorised, or
- (b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Regulation or any other law, or
- (c) the execution of such resolution or order, the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray:

Provided that the Chief Commissioner shall before taking action under this section on any of the grounds referred to in clauses (a) and (b) give the authority or person concerned an opportunity for explanation.".

19. In section 195 of the principal Regulation, after sub-section (3), Amendthe following sub-section shall be inserted, namely: -

ment of section 195.

"(3A) The Chief Commissioner may, in confirming a bye-law, make any change in its form which appears to him to be necessary.".

> S. RADHAKRISHNAN, President.



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EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 5) NEW DELHI, TUESDAY, MARCH 31, 1964/ CHAITRA 11, 1886

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 31st March, 1964/Chaitra 11, 1886 (Saka)

THE MINICOY ISLAND (ABOLITION OF POLL TAX) REGULATION, 1964

No. 2 of 1964

Promulgated by the President in the Fifteenth Year of the Republic of India.

A Regulation to provide for the abolition of poll tax within the island of Minicov in the Union territory of the Laccadive. Minicov and Amindivi Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:-

1. (1) This Regulation may be called the Minicoy Island (Abolition Short title. of Poll Tax) Regulation, 1964.

extent and com-

- (2) It extends to the whole of the island of Minicoy in the Union menceterritory of the Laccadive, Minicoy and Amindivi Islands. ment
- (3) It shall be deemed to have come into force on the 4th September, 1963.
 - 2. As from the commencement of this Regulation,—

Abolition of poll tax.

(a) the poll tax (allara) leviable by virtue of any custom having the force of law, within the island of Minicoy in the Union territory of the Laccadive, Minicoy and Amindivi Islands, shall cease to be levied;

(b) the custom referred to in clause (a) shall cease to have effect except as respects things done or omitted to be done before such commencement.

S. RADHAKRISHNAN,

President.



of **Endia**

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 7] NEW DELHI, TUESDAY, APRIL 21, 1964/VAISAKHA 1, 1886

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

THE ANDAMAN AND NICOBAR ISLANDS (REPEALING AND AMENDING) REGULATION, 1964

No. 3 of 1964

Promulgated by the President in the Fifteenth Year of the Republic of India.

A Regulation to repeal the Andaman and Nicobar Islands Development Force Regulation, 1945, and to amend certain other Regulations.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. This Regulation may be called the Andaman and Nicobar Islands (Repealing and Amending) Regulation, 1964.

Short title.

- 2. The Andaman and Nicobar Islands Development Force Regulation Regulation, 1945, is hereby repealed.
- 3. The Regulations specified in the Schedule are hereby amended ment of to the extent and in the manner mentioned in the fourth column certain thereof.
- 4. The repeal of the Andaman and Nicobar Islands Development Saving. 6 of 1945. Force Regulation, 1945, by section 2 shall not affect—
 - (a) the previous operation of the said Regulation or anything duly done or suffered thereunder; or

- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulation; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Regulation; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Regulation had not been repealed.

THE SCHEDULE

(See section 3)

AMENDMENTS

Year		No.	Short title	Amendments
I		2	3	4
1938		1	The Andaman and Nicobar Islands Fishe- ries Regulation, 1938.	(i) For sub-section (2) of section 1, the following sub-section shall be substituted namely:—
				"(2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands.";
				(ii) in section 4, the words "Port Blair" shall be omitted.
1940	•	11	The Andaman and Nico- bar Islands Civil Courts Regulation, 1940.	For sub-section (2) of section 1, the following sub-section shall be substituted, namely:—
				"(2) It extends to the whole of the Union ter ritory of the Andaman and Nicobar Islands.".
1945	•	5	The Andaman and Nicobar Islands Laws Regulation, 1945.	(i) For sub-section (2) of section I, the following sub-section shall be substituted namely:—
				"(2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands (hereinafter referred to as the Union territory).";
				(ii) in section 2,
				(a) for the word "State" wherever it occurs, the words "Union territory" shall be substituted;

Year	No	. Short title	Amendments
I	2	3	4
	1 11 2		(b) in clause (c), for the words "for the time being comprised within", the words "which immediately before the com- mencement of the Constitution (Seventh Amendment) Act, 1956, were comprised in" shall be substituted;
	,		(c) in the proviso, for the words and letters "Part A State or Part C State", the words and letters "territory which, immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, was comprised in a Part A State or Part C State" shall be substituted.
1946	. т	The Andaman and Nico- bar Islands Military Administration (Indem- nity) Regulation, 1946.	For sub-section (2) of section 1, the following sub-section shall be substituted, namely:—
			"(2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands.".
			S. RADHAKRISHNAN,

President.

THE ANDAMAN AND NICOBAR ISLANDS GRAM PANCHAYATS (AMENDMENT) REGULATION, 1964

No. 4 of 1964

Promulgated by the President in the Fifteenth Year of the Republic of India.

A Regulation to amend the Andaman and Nicobar Islands Gram Panchayats Regulation, 1961.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. This Regulation may be called the Andaman and Nicobar Short title. Islands Gram Panchayats (Amendment) Regulation, 1964.

34

Amendment of section 58. 2. In section 58 of the Andaman and Nicobar Islands Gram 4 of 1961. Panchayats Regulation, 1961, after the word "Hindi", the words "or any of the languages in use in the Gram for which the Nyaya Panchayat has been constituted" shall be inserted.

S. RADHAKRISHNAN,

President.



EXTRAORDINARY PART II—Section 1

PUBLISHED BY AUTHORITY

NEW DELHI, FRIDAY, APRIL 24, 1964 VAISAKHA 4, 1886

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 24th April, 1964/Vaisakha 4, 1886 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS HOME GUARDS REGULATION, 1964

No. 5 of 1964

Promulgated by the President in the Fifteenth Year of the Republic of India.

A Regulation to provide a volunteer organisation for use in emergencies and for other purposes in the Union territory of Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :---

1. (1) This Regulation may be called the Andaman and Nicobar Short title Islands Home Guards Regulation, 1964.

extent and commencement.

- (2) It extends to the whole of the Union territory of Andaman and Nicobar Islands.
- (3) It shall come into force in such areas on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas.

Definitions.

- 2. In this Regulation, unless the context otherwise requires,-
- (a) "Chief Commissioner" means the Chief Commissioner of Andaman and Nicobar Islands;
 - (b) "Islands" means the Andaman and Nicobar Islands;
- (c) "Official Gazette" means the Andaman and Nicobar Gazette:
- (d) "prescribed" means prescribed by rules made under this Regulation.

Constitution of Home Guards and appointment of Commandant and Area Commandant.

- 3. (1) The Chief Commissioner shall constitute for each of the areas notified under sub-section (3) of section 1, a volunteer body called the Home Guards, the members of which shall exercise such powers and perform such duties in relation to the protection of persons, the security of property and the public safety as may be assigned to them in accordance with the provisions of this Regulation and the rules made thereunder.
- (2) The Chief Commissioner shall appoint an Area Commandant for each of the Home Guards constituted under sub-section (1).
- (3) The Chief Commissioner shall also appoint a Commandant of the Home Guards in whom shall vest the general supervision and control of the Home Guards in the Islands.

Appointment of members.

- 4. (1) Subject to the approval of the Commandant, the Area Commandant may appoint as members of the Home Guards for each area such number of persons, who are fit and willing to serve, as may from time to time be determined by the Chief Commissioner in respect of each such area and may appoint any such member to any office of command in the Home Guards.
- (2) Notwithstanding anything contained in sub-section (1), the Commandant may appoint any such member to any post under his immediate control.
- (3) Every member of the Home Guards shall receive a certificate which shall be in such form and shall be issued by such authority as may be prescribed.
- (4) Every member of the Home Guards shall receive such training during such hours and for such period as may be prescribed including training in—
 - (a) police duties like control of traffic and crowds;
 - (b) rescue operations, first-aid and fire fighting;
 - (c) map reading, fieldcraft, wireless operation and use of fire arms.

5. (1) A member of the Home Guards shall be required to serve Period of the Government for such period as may be prescribed but any such discharge. member may be discharged from the Home Guards at anv time by such authority on such grounds and subject to such conditions as may be prescribed:

Provided that it shall not be necessary for such authority to disclose the grounds if such authority considers that such disclosure will be against the public interest.

- (2) An order of discharge under sub-section (1) shall be final.
- 6. The Area Commandant may, by order, at any time call out a Calling out member of the Home Guards for training or for exercising the Guards. powers and discharging the duties, whether within or outside the Islands, that may be assigned to the Home Guards by or under this Regulation.
- 7. (1) A member of the Home Guards, when called out by an Powers. order under section 6, shall have the same powers, privileges and and protection protection as an officer of police appointed under any law for the tion of time being in force.

Guards.

- (2) No prosecution shall be instituted against the member of the Home Guards in respect of anything done or purported to be done by him in the exercise of his powers or the discharge of his duties as such member except with the previous sanction of the Commandant
- 8. A member of the Home Guards, when called out by an order Control by under section 6, in aid of the police force, shall be under the control police force, of the officers of police force in such manner and to such extent as may be prescribed.

9. (1) It shall be the duty of every employer by whom a person Reinstatecalled out by an order under section 6 is employed to grant him civil employ such leave as may be necessary and to reinstate him in his employ- called out ment on the termination of the period during which he has been so under seccalled out in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been so called out:

Provided that if the employer refuses to reinstate such person or denies his liability to reinstate such person or if for any reason the reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the prescribed authority and that authority shall, after considering all matters which may be put before it and after making such further inquiry into the matter as may be prescribed, pass an order—

- (a) exempting the employer from the provisions of this section, or
- (b) requiring him to re-employ such person on such terms as that authority thinks suitable, or
- (c) requiring him to pay to such person by way of compensation for failure or inability to re-employ, a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.
- (2) If any employer fails to comply with the order under clause (b) or clause (c) of the proviso to sub-section (1), he shall be punishable with fine which may extend to one thousand rupees, and the court by which the employer is convicted under this section shall order him (if he has not already been so required by the said authority) to pay to the person whom he has failed to re-employ a sum equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer, and any amount so required to be paid either by the said authority or by the court shall be recoverable as if it were a fine imposed by such court.
- (3) In any proceeding under this section it shall be a defence for the employer to prove that the person formerly employed did not apply to the employer for reinstatement within a period of two months from the termination of the period during which he was called out by an order under section 6.
- (4) The duty imposed by sub-section (1) upon the employer to grant leave to such person as is referred to in that sub-section or to reinstate him in his employment shall attach to the employer who, before such person is actually called out by an order under section 6, terminates his employment in such circumstances as to indicate an intention to evade the duty imposed by that sub-section, and such intention shall be presumed until the contrary is proved if the termination takes place after the issue of an order relating to that person under section 6.

Preservation of certain rights of persons called out under section 6. 10. When any person called out by an order under section 6 has any rights under any provident fund or superannuation fund or other scheme for the benefit of employees maintained in connection with the employment he relinquishes, he shall continue during the period for which he has been so called out and if he is reinstated, until such

SEC. 11

reinstatement under the provisions of this Regulation, to have in respect of such fund or scheme such rights as may be prescribed.

- 11. (1) Every member of the Home Guards shall, during the Pay and period of training or service in the Home Guards, receive from the Government such allowances as may be prescribed.
- (2) Where any such member was in any employment immediately before he is called out for training or service by an order under section 6, the employer shall be liable to pay to him the pay and allowances as if such member had not been so called out.
- (3) If any employer refuses or fails to pay any such member the pay and allowances as provided in sub-section (2), such pay and allowances may, on application by the member to the prescribed authority, be recovered from the employer in such manner as may be prescribed.
- 12. (1) Every person who for any reason ceases to be a member Surrender of the Home Guards shall forthwith deliver to the Area Commandant arms, etc. or to such person and at such place as the Area Commandant may direct his certificate of appointment, arms, accourrements, clothing and other articles supplied to him as a member of the Home Guards,

- (2) The Area Commandant or such other person receiving under sub-section (1) any certificate of appointment, arms, accourrements, clothing and other articles, shall give a receipt for the same to the person delivering such certificate, arms, accoutrements, clothing and other articles.
- (3) Any magistrate, and for special reasons which shall be recorded in writing at the time, any police officer not below the rank of an Assistant Superintendent of Police, may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other articles not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a police officer or if the magistrate or the police officer issuing the warrant so directs, by any other person.

(4) Nothing in this section shall be deemed to apply to any article which under the orders of the Commandant has become the

property of the person to whom the same was furnished.

5 of 1898.

Suspension or removal,

- 13. (1) The Area Commandant may, by order in writing, suspend or remove from the Home Guards any member of the Home Guards under his control,—
 - (a) who on being called out by an order under section 6, without reasonable cause neglects or refuses—
 - (i) to obey such order, or
 - (ii) to exercise the powers and discharge the duties as a member of the Home Guards, or
 - (iii) to obey any lawful order or direction given to him as a member of the Home Guards; or
 - (b) who is guilty of any breach of discipline or of any misconduct.

The Commandant shall have the like authority in respect of any member of the Home Guards appointed to a post under his immediate control and may also dismiss any member of the Home Guards on the ground of conduct which has led to his conviction on a criminal charge.

(2) No order under sub-section (1) shall be passed unless the member of the Home Guards affected by such order is given an opportunity to be heard in his defence:

Provided that this sub-section shall not apply where a member of the Home Guards is dismissed on the ground of conduct which has led to his conviction on a criminal charge.

(3) The suspension or removal of a member of the Home Guards under this section shall be in addition to any penalty to which such member may be liable under section 14 or any other law for the time being in force.

Penaltics.

- 14. (1) If any member of the Home Guards, on being called out by an order under section 6, without reasonable cause neglects or refuses—
 - (a) to obey such order, or
 - (b) to exercise the powers and discharge the duties as a member of the Home Guards, or
 - (c) to obey any lawful order or direction given to him as a member of the Home Guards,

he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.

- (2) If any member of the Home Guards wilfully neglects or refuses to deliver up his certificate of appointment or any other article in accordance with the provisions of sub-section (1) of section 12, he shall, on conviction, be punishable with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.
- (3) No proceeding shall be instituted under sub-section (1) or sub-section (2) without the previous sanction of the Commandant.
- (4) A police officer may arrest without warrant any person who commits an offence punishable under this section.
- 15. (1) Any member of the Home Guards aggrieved by an order Appeals and of the Area Commandant may appeal against such order to the Commandant and any member aggrieved by an order of the Commandant (not being an order passed in appeal) may appeal against such order to the Chief Commissioner within thirty days of the date on which he was served with notice of such order. The Commandant or the Chief Commissioner, as the case may be, may pass such order as he thinks fit confirming, modifying or annulling the order appealed against.
- (2) The Chief Commissioner may of his own motion or on application call for and examine the record of any order passed by the Area Commandant or a Commandant and revise, after such inquiry as he may deem necessary, any such order:

Provided that no order prejudicial to a person shall be passed under this sub-section without giving him a reasonable opportunity of being heard:

Provided further that the Chief Commissioner shall not issue any order under this sub-section in any case—

- (a) where an appeal against the order lies and the time within which such appeal can be made has not expired or the person has not waived his right to appeal;
 - (b) where the order is the subject of an appeal;
- (c) where the application is made by an aggrieved person for such revision, unless the application is made within ninety days from the date on which the order was served on the applicant.
- 16. (1) The Chief Commissioner may make rules to carry out all or any of the purposes of this Regulation.

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- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate the following matters, namely:—
 - (a) all matters expressly required or allowed by this Regulation to be prescribed;
 - (b) the organisation, qualifications, appointment, discipline, training, arms, accourrements, clothing, conditions of service, powers and duties of the Home Guards;
 - (c) the exercise by any officer of the Home Guards of the powers conferred by section 6 on the Area Commandant and the Commandant;
 - (d) the exercise of control by officers of the police force over members of the Home Guards acting in aid of the police force;
 - (e) the constitution of the authority for the purpose of section 9 and the manner in which such authority may conduct any inquiry under this Regulation.
- (3) All rules made under this Regulation shall be published in the Official Gazette.

Members of the Home Guards to be public servants. 17. Members of the Home Guards acting under this Regulation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Removal of disqualifica-

18. Notwithstanding anything to the contrary contained in any other law for the time being in force, a member of the Home Guards shall not be disqualified for being chosen and for being a member of any local authority merely by reason of the fact that he is a member of the Home Guards.

S. RADHAKRISHNAN, President.



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EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 10] NEW DELHI, WEDNESDAY, APRIL 29, 1964/VAISAKHA 9, 1886

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 29th April, 1964/Vaisakha 9, 1886 (Saka)

THE INDUSTRIAL DISPUTES (ANDAMAN AND NICOBAR ISLANDS AMENDMENT) REGULATION, 1964

No. 6 of 1964

Promulgated by the President in the Fifteenth Year of the Republic of India.

A Regulation to amend the Industrial Disputes Act, 1947, in its application to the Union territory of the Andaman and Nicobar Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- Regulation made by him:—

 1. (1) This Regulation may be called the Industrial Disputes Short this, (Andaman and Nicobar Islands Amendment) Regulation, 1964.

 extent and
- (2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands.
 - (3) It shall come into force at once.

Amandment of section 7.

2. In clause (a) of sub-section (3) of section 7 of the Industrial Disputes Act, 1947, in its application to the Union territory of the 14 of 1947. Andaman and Nicobar Islands, for the words "seven years", the words "three years" shall be substituted.

S. RADHAKRISHNAN,

President.



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EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 22]

NEW DELHI, MONDAY, MAY 18, 1964/VAISAKHA 28, 1886

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 18th May, 1964/Varsakha 28, 1886 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS RENT CONTROL REGULATION, 1964

No. 7 of 1964

Promulgated by the President in the Fifteenth Year of the Republic of India.

A Regulation to provide for the control of rents and evictions in the Union territory of Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :-

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Andaman and Nicobar Short title Islands Rent Control Regulation, 1964.

extent and commence

- (2) It extends to the whole of the Union territory of Andaman ment and Nicobar Islands.
- (3) It shall come into force in the first instance in the Port Blair Municipal area and thereafter in such other area on such date as the Chief Commissioner may, by notification in the Official Gazette, specify.
 - 2. In this Regulation, unless the context otherwise requires,—
 - Defini-(a) "Chief Commissioner" means the Chief Commissioner of tions. the Andaman and Nicobar Islands;
 - (b) "landlord" means a person who, for the time being is receiving, or is entitled to receive, the rent of any premises, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as a trustee, guardian or

receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;

- (c) "lawful increase" means an increase in rent permitted under the provisions of this Regulation;
- (d) "member of the family" in relation to a person means, in the case of an undivided Hindu family, any member of the family of that person and in the case of any other family, the husband, wife, son, daughter, father, mother, brother, sister or any other relative dependent on that person;
- (e) "Official Gazette" means the Andaman and Nicobar Gazette;
- (f) "premises" means any building or part of a building which is, or is intended to be, let separately for use as a residence or for commercial use or for any other purpose, and includes—
 - (i) the garden, grounds and outhouses, if any, appertaining to such building or part of the building;
 - (ii) any furniture supplied by the landlord for use in such building or part of the building;
- (g) "prescribed" means prescribed by rules made under this Regulation;
 - (h) "standard rent", in relation to any premises, means,—
 - (i) where the standard rent has been fixed by the court under section 8, the rent so fixed; or
 - (ii) where the standard rent has not been fixed under section 8, the standard rent of the premises as determined in accordance with the provisions of the Schedule;
- (i) "tenant" means any person by whom or on whose account or behalf the rent of any premises is, or but for a special contract would be, payable and includes a sub-tenant and also any person continuing in possession after the termination of his tenancy but does not include any person against whom any order for eviction has been made.

Regulation not to apply to certain premises.

- 3. Nothing in this Regulation shall apply-
 - (a) to any premises belonging to the Government; or
- (b) to any tenancy or other like relationship created by a grant from the Government in respect of the premises taken on lease, or requisitioned, by the Government.

CHAPTER II

Provisions regarding rent

4. (1) Except where rent is liable to periodical increase by virtue of an agreement entered into before the 1st day of October, 1941, no tenant shall, notwithstanding any agreement to the contrary, be liable to pay to his landlord for the occupation of any premises any amount

Rent in excess of standard rent not recoverable.

in excess of the standard rent of the premises, unless such amount is a lawful increase of the standard rent in accordance with the provisions of this Regulation.

- (2) Subject to the provisions of sub-section (1), any agreement for the payment of rent in excess of the standard rent shall be construed as if it were an agreement for the payment of the standard rent only and not for the payment of rent in excess thereof.
- 5. (1) Subject to the provisions of this Regulation, no person Unlawful shall claim or receive any rent in excess of the standard rent, notwith- charges not to be standing any agreement to the contrary.

claimed or received.

- (2) No person shall, in consideration of the grant, renewal or continuance of a tenancy or sub-tenancy of any premises,---
 - (a) claim or receive the payment of any sum as premium or pugree or claim or receive any consideration whatsoever, in cash or in kind in addition to the rent; or
 - (b) except with the previous permission of the court referred to in section 25, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.
- (3) It shall not be lawful for the tenant or any other person acting or purporting to act on behalf of the tenant or the sub-tenant to claim or receive any payment in consideration of the relinquishment or transfer or assignment of his tenancy or sub-tenancy, as the case may be, of any premises.
 - (4) Nothing in this section shall apply-
 - (a) to any payment made in pursuance of an agreement entered into before the 1st day of October, 1941; or
 - (b) to any payment made under an agreement by any person to a landlord for the purpose of financing the construction of the whole or part of any premises on the land belonging to, or taken on lease, by the landlord, if one of the conditions of the agreement is that the landlord is to let to that person the whole or part of the premises when completed for the use of that person or any member of his family:

Provided that such payment does not exceed the amount of agreed rent for a period of five years of the whole or part of the premises to be let to such person.

6. (1) Where a landlord has at any time, before the commence- Lawful ment of this Regulation with or without the approval of the tenant increase of or after the commencement of this Regulation with the written rent in approval of the tenant or of the court referred to in section 25, made cases and any improvement, addition or structural alteration in the premises, recovery not being decoration or tenantable repairs necessary or usual for charges.

such premises, and the cost of such improvement, addition or alteration has not been taken into account in determining the standard rent of the premises, the landlord may lawfully increase the standard rent per year by an amount not exceeding seven and one-half per cent. of such cost.

(2) Where in respect of any premises the landlord pays any charge for electricity or water consumed in the premises or any other charge which is levied by a local authority having jurisdiction in the area and which is ordinarily payable by the tenant, the landlord may recover from the tenant the amount so paid by him; but no landlord shall recover from the tenant whether by means of an increase in rent or otherwise the amount of any tax on building or land imposed in respect of the premises occupied by the tenant:

Provided that nothing in this sub-section shall affect the liability of any tenant under an agreement entered into before the 1st day of October, 1941, whether express or implied, to pay from time to time the amount of any such tax as aforesaid.

Votice of nerease of, or ddition o, rent.

- 7. (1) Where a landlord wishes to increase the rent of any premises, he shall give the tenant notice of his intention to do so; and in so far as such increase is lawful under this Regulation, it shall be due and recoverable only in respect of the period of the tenancy after the end of the month in which the notice is given.
- (2) Every notice under sub-section (1) shall be in writing signed by or on behalf of the landlord and given in the manner provided in section 106 of the Transfer of Property Act, 1882.

4 of 1882.

- lourt o fix tandard ent, etc.
- 8. (1) The court shall, on an application made to it in this behalf, either by the landlord or by the tenant, in the prescribed manner. fix in respect of any premises—
 - (a) the standard rent; or
 - (b) the lawful increase permissible under section 6.
- (2) In fixing the standard rent of any premises or the lawful increase thereof, the court shall fix an amount which appears to it to be reasonable having regard to the provisions contained in the Schedule or section 6 and the circumstances of the case.
- (3) In fixing the standard rent of any premises part of which has been lawfully sublet, the court may also fix the standard rent of the part sublet.
- (4) Where for any reason, it is not possible to determine the standard rent of any premises on the principles set forth in the Schedule, the court may fix such rent as would be reasonable having

regard to the situation, locality and condition of the premises and the amenities provided therein and where there are similar or nearly similar premises in the locality, having regard also to the standard rent payable in respect of such premises:

Provided that no standard rent so fixed shall exceed seven and one-half per cent. of the reasonable cost of construction at the time of the completion of such construction.

Explanation.—For the purposes of this proviso, "cost of construction" of any premises includes the market price of the land comprised in the premises at the time of the completion of such construction.

(5) The standard tent shall in all cases be fixed for a tenancy of twelve months:

Provided that where any premises are let or re-let for a period of less than twelve months, the standard rent for such tenancy shall bear the same proportion to the annual standard rent as the period of tenancy bears to twelve months.

- (6) In fixing the standard rent of any premises under this section, the court shall fix the standard rent thereof in an unfurnished state and may also determine an additional charge to be payable on account of any fittings or furniture supplied by the landlord and it shall be lawful for the landlord to recover such additional charge from the tenant.
- (7) In fixing the standard rent of any premises under this section, the court shall specify the date from which the standard rent so fixed shall be deemed to have effect:

Provided that in no case the date so specified shall be earlier than six months prior to the date of the filing of the application for the fixation of the standard rent.

9. If an application for fixing the standard rent or for determining Fixation the lawful increase of such rent is made under section 8, the court, of interim rent by shall, as expeditiously as possible, make an order specifying the the court. amount of the rent or the lawful increase to be paid by the tenant to the landlord pending final decision on the application and shall appoint the date from which the rent or lawful increase so specified shall be deemed to have effect.

10. No collector of rent or middleman shall be liable to pay to his Limitation principal, in respect of any premises, any sum by way of rental of middlecharges which exceeds the amount which he is entitled under this man, Regulation to realise from the tenant or tenants of the premises.

Limitation for applications for fixation of standard rent.

- 11. No application under section 8 shall be entertained unless it is made—
 - (a) in the case of any premises which were let, or in which the cause of action for lawful increase of rent arose before the commencement of this Regulation, within six months from such commencement;
 - (b) in the case of any premises let after the commencement of this Regulation, whether the application is made by the landlord or the tenant, within six months from the date on which the premises were so let;
 - (c) in the case of premises in which the cause of action for lawful increase of rent arises after the commencement of this Regulation, within six months from the date on which the cause of action arises.

Refund of rent, etc

12. Where, before the commencement of this Regulation, any sum or other consideration has been paid by or on behalf of a tenant to a landlord and such payment would, if made after such commencement, contravene the provisions of this Regulation, the court may, on an application made in this behalf, within six months of such commencement, order the landlord to refund to the tenant such sum or the value of such consideration or adjust the same against the rent lawfully payable by the tenant to the landlord

CHAPTER III

CONTROL OF EVICTION OF TENANT

Protection of a tenant against eviction.

- 13. (1) Notwithstanding anything to the contrary contained in any other law or any contract, no tenant of any premises shall be liable to be evicted therefrom except by an order of the court on any one or more of the following grounds, namely:—
 - (a) that the tenant has neither paid nor tendered the whole of the arrears of rent legally recoverable from him within one month of the date on which a notice of demand for the arrears of the rent has been served on him by the landlord in the manner provided in section 106 of the Transfer of Property Act, 1882;

4 of 1882.

- (b) that the tenant has, without obtaining the consent in writing of the landlord, sublet the premises or used the premises for a purpose other than that for which they were let;
 - (c) that the landlord requires the premises bona fide for-
 - (i) occupation as residence for himself or any member of his family;

- (ii) carrying out repairs, alterations or additions to the premises and such repairs, alterations or additions cannot be made without the premises being vacated;
- (d) that the premises were let for use as residence and neither the tenant nor any member of his family has been residing therein for a period of six months immediately before the date of institution of any proceeding for eviction;
- (e) that the tenant has, whether before or after the commencement of this Regulation, built, acquired vacant possession of, or been allotted, a suitable residence;
- (f) that the premises were let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Regulation, to be in such service or employment; or
- (g) that the tenant has, whether before or after the commencement of this Regulation, caused or permitted to be caused substantial damage to the premises, or notwithstanding previous notice, has used or dealt with the premises in a manner contrary to any condition imposed on the landlord by the Government while giving him a lease of the land on which the premises are situated.
- (2) No order for eviction shall be passed on the ground specified in clause (a) of sub-section (1), if on the first day of hearing of the proceeding or within such further time as may be allowed by the court, the tenant deposits with the court the arrears of rent then due together with the costs of the suit:

Provided that no tenant shall be entitled to the benefit under this sub-section, if having obtained such benefit once in respect of any premises, he again makes default in the payment of rent in respect of those premises for three consecutive months.

- (3) For the purposes of clause (b) of sub-section (1), a court may presume that the premises let for use as a residence were or are sublet by a tenant in whole or in part to another person, if it is satisfied that such person not being a servant of the tenant or a member of the family of such tenant was or has been residing in the premises or any part thereof for a period exceeding one month otherwise than in commensality with the tenant.
- (4) Where an order for the eviction of the tenant is passed on the ground specified in sub-clause (i) of clause (c) of sub-section (1) the landlord shall not be entitled to obtain possession thereof before the expiration of a period of three months from the date of the order

When a tenant can get benefit of protection against eviction.

- 14. (1) In every proceeding for the eviction of the tenant on the ground specified in clause (a) of sub-section (1) of section 13, the court shall, after giving the parties an opportunity of being heard, make an order directing the tenant to pay to the landlord or deposit with the court within one month of the date of the order, an amount calculated at the rate of rent at which it was last paid for the period for which the arrears of the rent were legally recoverable from the tenant including the period subsequent thereto up to the end of the month previous to that in which payment or deposit is made and to continue to pay or deposit, month by month, by the fifteenth of each succeeding month, a sum equivalent to the rent at that rate.
- (2) If, in any proceeding for the eviction of the fenant on any ground other than that referred to in sub-section (1), the tenant contests the claim for eviction, the landlord may, at any stage of the proceeding, make an application to the court for an order on the tenant to pay to the landlord the amount of rent legally recoverable from the tenant and the court may, after giving the parties an opportunity of being heard, make an order in accordance with the provisions of the said sub-section
- (3) If, in any proceeding referred to in sub-section (1) or sub-section (2), there is any dispute as to the amount of rent payable by the tenant, the court shall, within fifteen days of the date of the first hearing of the proceeding, fix an interim rent in relation to the premises to be paid or deposited in accordance with the provisions of sub-section (1) or sub-section (2), as the case may be, until the standard rent in relation thereto is fixed having regard to the provisions of this Regulation, and the amount of arrears, if any, calculated on the basis of the standard rent shall be paid or deposited by the tenant within one month of the date on which the standard rent is fixed or such further time as the court may allow in this behalf.
- (4) If, in any proceeding referred to in sub-section (1) or sub-section (2), there is any dispute as to the person or persons to whom the rent is payable, the court may direct the tenant to deposit with the court the amount payable by him under sub-section (1) or sub-section (2) or sub-section (3), as the case may be, and in such a case, no person shall be entitled to withdraw the amount in deposit until the court decides the dispute and makes an order for payment of the same
- (5) If the court is satisfied that any dispute referred to in subsection (4) has been raised by a tenant for reasons which are false or frivolous, the court may order the defence against eviction to be struck out and proceed with the hearing of the application.

- (6) If a tenant makes payment or deposit as required by subsection (1) or sub-section (3), no order shall be made for the eviction of the tenant on the ground of default in the payment of rent by the tenant, but the court may allow such costs as it may deem fit to the landlord.
- (7) If a tenant fails to make payment or deposit as required by this section, the court may order the defence against eviction to be struck out and proceed with the hearing of the application.
- 15. For the removal of doubts, it is hereby declared that nothing Removal in section 13 or section 14 shall apply to any decree or order for recovery of possession of any premises passed before the commencement of this Regulation.

16. (1) Where a landlord recovers possession of any premises from Recovery the tenant in pursuance of an order made under sub-clause (i) of sion for clause (c) of sub-section (1) of section 13, the landlord shall not, except occupation and rewith the permission of the court, obtained in the prescribed manner, entry. re-let the whole or any part of the premises within three years from the date of obtaining such possession, and in granting such permission, the court may direct the landlord to put such evicted tenant in possession of the premises.

- (2) Where a landlord recovers possession of any premises as aforesaid and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of obtaining such possession, or the premises having been so occupied are, at any time within three years from the date of obtaining possession, re-let to any person other than the evicted tenant without obtaining the permission of the court under sub-section (1) or the possession of such premises is transferred to another person for reasons which do not appear to the court to be bona fide, the court may, on an application made to if in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the premises or to pay him such compensation as the court thinks fif.
- 17. (1) When passing any order on the grounds specified in sub-Recovery clause (ii) of clause (c) of sub-section (1) of section 13, the court shall ascertain from the tenant whether he elects to be placed in reoccupa- repairs tion of the premises or part thereof from which he is to be evicted and if the tenant so elects, shall record the fact of the election in the order ing and and specify therein the date on or before which he shall deliver possession so as to enable the landlord to commence the work of carrying out of repairs or building or re-building, as the case may be.

sion for re-entry.

- (2) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of the work of repairs or alterations or additions place the tenant in occupation of the premises or part thereof.
- (3) If, after the tenant has delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs or alterations or additions within one month of the specified date or fails to complete the work in a reasonable time or having completed the work, fails to place the tenant in occupation of the premises in accordance with sub-section (2), the court may, on the application of the tenant made within one year from the specified date, order the landlord to place the tenant in occupation of the premises or part thereof or to pay to such tenant such compensation as may be fixed by the court.

Recovery of possession in case of tenancies for limited period. 18. Where a landlord does not require the whole or any part of any premises for a particular period and he lets the whole of the premises or part thereof as a residence for such period as may be agreed to in writing between himself and the tenant and the tenant does not on the expiry of the said period, vacate such premises, then, notwithstanding anything contained in section 13 or in any other law, the court may, on an application made to it in this behalf by the landlord within such period as may be prescribed, place him in vacant possession of the premises or part thereof by evicting the tenant and every other person who may be in occupation of such premises.

Special provision for recovery of possession in certain cases.

- 19. Where the landlord in respect of any premises is any company or other body corporate or any local authority, or any public institution and the premises are required for the use of employees of such landlord or in the case of a public institution, for the furtherance of its activities, then, notwithstanding anything contained in section 13 or in any other law, the court may, on an application made to it in this behalf by such landlord, place the landlord in vacant possession of such premises by evicting the tenant and every other person who may be in occupation thereof, if the court is satisfied,—
 - (a) that the tenant to whom such premises were let for use as a residence at a time when he was in the service or employment of the landlord, has ceased to be in such service or employment; or
 - (b) that the tenant has acted in contravention of the terms, express or implied, under which he was authorised to occupy such premises; or
 - (c) that any other person is in unauthorised occupation of such premises; or

(d) that the premises are required bona fide by the public institution for the furtherance of its activities.

Explanation.—For the purposes of this section, "public institution" includes any educational institution, library, hospital and charitable dispensary.

20. Where the landlord proposes to make any improvement in, Permission or construct any additional structure on, any building which has to conbeen let to a tenant and the tenant refuses to allow the landlord to additional make such improvement or construct such additional structure, and structure. the court, on an application made to it in this behalf by the landlord. is satisfied that the landlord is ready and willing to commence the work and that such work will not cause any undue hardship to the tenant, the court may permit the landlord to do such work and may make such other order as it thinks fit in the circumstances of the case.

21. (1) The provisions of this section shall apply notwithstanding Special anything contained in section 13, but only in relation to premises in provisions such areas as the Chief Commissioner may from time to time by vacant notification in the Official Gazette specify.

building sites.

- (2) Where any premises which have been let comprise vacant land upon which it is permissible under the building regulations or municipal bye-laws, for the time being in force, to erect any building, whether for use as a residence or for any other purpose and the landlord proposing to erect such building is unable to obtain possession of the land from the tenant by agreement with him, and the court, on an application made to it in this behalf by the landlord. is satisfied that the landlord is ready and willing to commence the work and that the severance of the vacant land from the rest of the premises will not cause undue hardship to the tenant, the court may-
 - (a) direct such severance,
 - (b) place the landlord in possession of the vacant land,
 - (c) determine the rent payable by the tenant in respect of the rest of the premises, and
 - (d) make such other order as it thinks fit in the circumstances of the case.
- 22. (1) Where, after the commencement of this Regulation, any Notice of premises are sublet either in whole or in part by the tenant, with creation the previous consent in writing of the landlord, the tenant or the mination sub-tenant to whom the premises are sublet, may, in the prescribed of sub-tenancy. manner, give notice to the landlord of the creation of the sub-tenancy within one month from the date of such subletting and notify the

termination of such sub-tenancy within one month of such termination.

- (2) Where, before the commencement of this Regulation, any premises have been lawfully sublet either in whole or in part by the tenant, the tenant or the sub-tenant to whom the premises have been sublet may, in the prescribed manner, give notice to the landlord of the creation of the sub-tenancy within six months of the commencement of this Regulation, and notify the termination of such sub-tenancy within one month of such termination.
- (3) Where in any case mentioned in sub-section (2), the landlord contests that the premises were not lawfully sublet, and an application is made to the court in this behalf, either by the landlord or by the sub-tenant, within two months of the date of the receipt of the notice of subletting by the landlord or the issue of the notice by the tenant or the sub-tenant, as the case may be, the court shall decide the dispute.

Sub-tenant to be tenant in certain cases.

- 23. (1) Where an order for eviction in respect of any premises is made under section 13 against a tenant but not against a subtenant referred to in section 22 and a notice of the sub-tenancy has been given to the landlord, the sub-tenant shall, with effect from the date of the order, be deemed to become a tenant holding directly under the landlord in respect of the premises in his occupation on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.
- (2) Where, before the commencement of this Regulation, the interest of a tenant in respect of any premises has been determined without determining the interest of any sub-tenant to whom the premises either in whole or in part had been lawfully sublet, the sub-tenant shall, with effect from the date of the commencement of this Regulation, be deemed to have become a tenant holding directly under the landlord on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

Vacant possession to the landlord.

24. Notwithstanding anything contained in any other law, where the interest of a tenant in any premises is determined for any reason whatsoever and any order is passed by a court under this Regulation for the recovery of possession of such premises, the order shall, subject to the provisions of section 23, be binding on all persons who may be in occupation of the premises and vacant possession thereof shall be given to the landlord by evicting all such persons therefrom:

Provided that nothing in this section shall apply to any person who has an independent title to such premises.

CHAPTER IV

JURISDICTION OF COURTS AND APPEALS

- 25. (1) Any civil court in the Union territory of the Andaman Jurisdicand Nicobar Islands which has jurisdiction to hear and decide a suit tion of courts. for recovery of possession of any premises shall have jurisdiction to hear and decide any case under this Regulation relating to such premises if it has pecuniary jurisdiction and is otherwise competent to hear and decide such a case under any law for the time being in force.
- (2) The value of any case under this Regulation for the purposes of the pecuniary jurisdiction of the court, shall be determined by the amount of rent which is or would be payable for a period of twelve months, calculated according to the highest amount claimed in the case.
- (3) If any question arises whether any application or other proceeding is a case under this Regulation, the question shall be determined by the court.
- (4) Subject to such rules as may be made in this behalf, the court shall, while trying a case under this Regulation, follow as far as may be the practice and procedure of a court of small causes. including the recording of evidence.
- (5) For the purpose of this Chapter, a case under this Regulation includes any application or other proceeding under this Regulation and also includes any claim or question arising out of this Regulation.
- 26. Any person aggrieved by any order of a Court passed under Appeals. this Regulation may, in such manner as may be prescribed, prefer an appeal to the District Court within thirty days from the date of such order.
- 27. (1) Subject to the provisions of sub-section (2), an appeal Second shall lie to the High Court from any order made by the District appeal. Court within ninety days from the date of such order.
- (2) No appeal shall lie under sub-section (1) unless the appeal involves some substantial question of law.

CHAPTER V

PROVISIONS REGARDING SPECIAL OBLIGATIONS OF LANDLORDS AND PENALTIES

28. (1) Notwithstanding anything contained in any law for the Landlord's time being in force, and in the absence of agreement to the contrary keep the by the tenant, every landlord shall be bound to keep the premises in premises in good good and tenantable repair.

(2) If the landlord neglects or fails to make within a reasonable time, after notice in writing, any repairs which he is bound to make under sub-section (1), the tenant may make the same himself and deduct the expenses of such repairs from the rent or otherwise recover them from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

(3) Where any repairs without which the premises are not habitable or usable except with undue inconvenience are to be made and the landlord neglects or fails to make them after notice in writing, the tenant may apply to the court for permission to make such repairs himself and may submit to the court an estimate of the cost of such repairs, and, thereupon, the court may, after giving the landlord an opportunity of being heard and after considering such estimate of the cost, by an order, permit the tenant to make such repairs at such cost, as may be specified in the order and it shall thereafter be lawful for the tenant to make such repairs himself and to deduct the cost thereof, which shall in no case exceed the amount so specified, from the rent or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-half of the rent payable by the tenant for that year:

Provided further that if any repairs not covered by the said amount are necessary in the opinion of the court and the tenant agrees to bear the excess cost himself, the court may permit the tenant to make such repairs.

Cutting off or withholding essential supply or service.

- 29. (1) No landlord either himself or through any person purporting to act on his behalf shall without just and sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the premises let to him.
- (2) If a landlord contravenes the provisions of sub-section (1), the tenant may make an application to the court complaining of such contravention.
- (3) If the court is satisfied that the essential supply or service was cut off or withheld by the landlord with a view to compel the tenant to vacate the premises or to pay an enhanced rent, the court may pass an order directing the landlord to restore the amenities immediately pending the inquiry referred to in sub-section (4).

Explanation.—An interim order may be passed under this subsection without giving notice to the landlord.

- (4) If the court on inquiry finds, that the essential supply or service enjoyed by the tenant in respect of the premises was cut off or withheld by the landlord without just or sufficient cause, the court shall make an order directing the landlord to restore such supply or service.
- (5) The court may in its discretion direct that compensation not exceeding fifty rupees -
 - (a) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously;
 - (b) be paid to the tenant by the landlord if the landlord had cut off or withheld the supply or service without just or sufficient cause.

Explanation 1.—In this section "essential supply or service" includes supply of water, electricity, lights in passages and on staircases, conservancy and sanitary services.

Explanation 2.—For the purposes of this section, "withholding any essential supply or service" shall include acts or omission attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any other competent authority.

30. Whenever, after the commencement of this Regulation, any premises are constructed, the landlord shall, within thirty days of give notice the completion of such construction, give intimation thereof in writing constructo such officer as may be specified in this behalf by the Chief Com-tion to Governmissioner.

Landlord's duty to ment.

- 31. (1) If any person receives any payment in contravention of Penalties. the provisions of section 5, he shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to a sum, which exceeds the unlawful charge claimed or received under that section by one thousand rupees, or with both.
- (2) If any tenant sublets the whole or part of any premises in contravention of the provisions of clause (b) of sub-section (1) of section 13, he shall be punishable with fine which may extend to one hundred rupees.
- (3) If any landlord contravenes the provisions of section 29, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both,

(4) If any landlord fails to comply with the provisions of section 30, he shall be punishable with fine which may extend to one hundred rupees.

Cognizance of offences.

- 32. (1) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Regulation.
- (2) No court shall take cognizance of an offence punishable under this Regulation, unless the complaint in respect of the offence has been made within three months from the date of the commission of the offence.
- (3) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class to pass a sentence of a fine exceeding two thousand rupees on a person convicted of an offence punishable under this Regulation.

5 of 1898.

Power to make rules.

- 33. (1) The Chief Commissioner may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (a) the manner in which a court may try a case under this Regulation;
 - (b) levy of court-fees and other fees for applications and proceedings under this Regulation;
 - (c) the manner of service of notices under this Regulation;
 - (d) any other matter which has to be, or may be, prescribed.

THE SCHEDULE

[See sections 2(h) (ii) and 8(2)]

PROVISIONS FOR DETERMINING THE STANDARD RENT OF PREMISES IN THE UNION TERRITORY OF ANDAMAN AND NICOBAR ISLANDS

In this Schedule, the "basic rent" in relation to any premises, means the rent that the premises could have fetched had they been actually let out on the 1st day of January, 1950.

2. In the case of any premises, whether residential or not, constructed after the 1st day of January, 1950, but before the commencement of this Regulation, the annual rent calculated with reference to the rent at which the premises were let for the month of November, 1959, or if they were not so let, with reference to the rent at which they were last let out, shall be deemed to be the standard rent.

- 3. In the case of any premises, whether residential or not, constructed after the commencement of this Regulation, the annual rent, calculated with reference to the rent agreed upon between the landlord and the tenant when such premises were first let out, shall be deemed to be the standard rent for a period of three years from the date of such letting out.
- 4. Where the premises in respect of which rent is payable are let for use as a residence, not being premises to which paragraph 2 or paragraph 3 applies, the stanard rent of the premises shall be the basic rent of such premises together with 18 per cent. of such basic rent.
- 5. Where the premises in respect of which rent is payable are let for business or profession, not being premises to which paragraph 2 or paragraph 3 applies, the standard rent of the premises shall be the basic rent of such premises together with 25 per cent. of such basic rent.
- 6. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 or paragraph 3 applies, are used mainly as a residence and incidentally for business or profession, the standard rent of the premises shall be the basic rent of such premises together with 20 per cent. of such basic rent.
- 7. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 or paragraph 3 applies, are let for business or profession or incidentally for use as a residence and mainly for business or profession, the standard rent of the premises shall be the basic rent of such premises together with 22 per cent. of such basic rent.

S. RADHAKRISHNAN,

President.

Dated the

1964.

R. C. S. SARKAR, Secy. to the Govt. of India.



The Gazette



of **Endia**

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MINISTRY OF LAW

(Legislative Department)

New Delhi, the 10th September, 1964/Bhadra 19, 1886 (Saka)

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (DEBT CONCILIATION AND GRANT OF LOANS) REGULATION, 1964

No. 8 of 1964

Promulgated by the President in the Fifteenth Year of the Republic of India.

Regulation to provide for the conciliation of debts incurred by, and for the grant of loans to, the inhabitants of the Union territory of the Laccadive, Minicoy and Amindivi Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him: -

1. (1) This Regulation may be called the Laccadive, Minicoy and Amindivi Islands (Debt Conciliation and Grant of Loans) Regulation, commence-1964.

Short title, extent and

- (2) It extends to the whole of the Union territory of the Laccadive, Minicov and Amindivi Islands.
- (3) If shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.
 - 2. In this Regulation, unless the context otherwise requires,-

tions.

Defini-

- (a) "Administrator" means the Administrator of the Union territory of the Laccadive. Minicoy and Amindivi Islands;
- (b) "debt" means all liabilities owing to a creditor immediately before the commencement of this Regulation, in cash or

in kind, secured or unsecured, whether payable under a decree or order of a civil court or otherwise, and whether mature or not, and includes any such liability arising under an agreement, whether oral or written,—

- (i) whereby specified number of coconut trees belonging to the debtor are put in possession of the creditor for a specified period, giving the latter the right to enjoy their usufruct at an agreed rate in terms of money per tree per year so put in possession in lieu of interest or principal or both; or
- (ii) whereby certain quantity of dried copra or raw coconuts are agreed to be delivered during the subsistence of the debt by the debtor to the creditor at regular intervals and at an agreed specified rate in lieu of interest or principal or both; or
- (iii) whereby specified number of coconut trees belonging to the debtor are put in possession of the creditor in consideration of the loan advanced with a condition, express or implied, that during the subsistence of the debt the creditor shall be entitled to appropriate the usufruct from such trees in lieu of interest or principal or both;

but does not include-

- (i) arrears of wages; or
- (ii) land revenue or anything recoverable as an arrear of land revenue; or
- (iii) any debt due to a co-operative bank or co-operative society or to any banking company as defined in the Banking Companies Act, 1949; or

10 of 1949.

- (iv) any money for the recovery of which a suit is barred by limitation;
- (c) "debtor" means an inhabitant of the Union territory of the Laccadive, Minicoy and Amindivi Islands who was, and both of whose parents were, born in those islands, and whose debt exceeds five rupees;
- (d) "prescribed" means prescribed by rules made under this Regulation;
- (e) "secured debt" includes mortgage debt or any debt for which there is security, lien or charge on immovable property created by deed, statute or otherwise.

3. The Administrator may, by notification in the Official Gazette, establish for any area specified therein, a tribunal consisting of a sole member who shall be an officer not below the rank of tahsildar having jurisdiction ever that area.

Establishment of tribunals.

4. (1) A debtor may make an application for the settlement of his debts to the tribunal established for the area in which he resides, whether or not the time for redemption or payment of any of his debts has expired

Application for conciliation.

- (2) Every application made under sub-section (1) shall be in writing and shall be signed and verified in the prescribed manner.
- (3) Every such application shall contain the following particulars, namely: -
 - (a) a statement that the debtor is unable to pay his debts;
 - (b) the place where he resides;
 - (c) the amount and particulars of all claims against him together with the names and residences of his creditors, so far as they are known to, or can, by exercise of reasonable care and diligence, be ascertained by him;
 - (d) the particulars of the debtor's properties, both movable and immovable (including claims due to him), a specification of the value thereof as accurately as possible, and of any mortgage. lien or charge subsisting thereon;
 - (e) the particulars of the documents evidencing or proving the existence of the debts enumerated in the application;
 - (f) whether any time-limit has been specified for the redemption or payment of any debt, and if so, whether it has expired on the date of the application;
 - (g) such other matters as are relevant for inquiry.
- (4) Any application which does not comply with any of the requirements mentioned in clauses (a) to (f) of sub-section (3) shall be rejected by the tribunal:

Provided that the rejection of an application shall not preclude the applicant from making a fresh application.

5. (1) On receipt of an application under section 4, the tribunal shall, unless it rejects the application for non-compliance with any of the requirements mentioned in clauses (a) to (f) of sub-section (3) of section 4, pass an order fixing a date and place for hearing the application.

Hearing of applica-

- (2) Notice of the order under sub-section (1) shall be served in the prescribed manner on the debtor and each of the creditors named in the application and copies of the notice shall be affixed on the notice boards of the offices of the amins or karanis having jurisdiction over the respective areas in which the debtor and each of the creditors reside.
- 6. An application under section 4 may be dismissed by the Dismissal tribunal at any stage of the proceedings,—
 - (i) if the applicant fails, when ordered by the tribunal to do so, to appear before the tribunal or to take any steps in circumrelation to the application:

of the application in stances.

Provided that such application may be restored to file if the applicant satisfies the tribunal that he was not able to appear before the tribunal or to take the steps aforesaid for reasons beyond his control; or

- (ii) if the application includes a claim which, in the opinion of the tribunal, is collusive and intended to defraud any creditor.
- 7. (1) Every creditor whose name is set forth in the application shall, on or before the date of hearing of the application, or within such further time as the tribunal may grant, present a written statement of debts owed to such creditor by the debtor as prescribed in sub-section (3) and his objections, if any, on the application.
- (2) Where any creditor fails to present the written statement as provided in sub-section (1)—
 - (a) in the case of any debt included in the particulars furnished by the debtor under sub-section (3) of section 4, the creditor shall not be entitled, in any proceeding before the tribunal or a civil court or on any other occasion, to dispute the accuracy of the said particulars in regard to such debt; and
 - (b) every other debt shall be deemed for all purposes and on all occasions to have been duly discharged:

Provided that if a creditor proves to the satisfaction of the tribunal that the notice was not served on him and that he had no knowledge of the publication thereof or that for some other sufficient reason he was unable to submit the written statement, the tribunal may revive the debt payable to such creditor, if he files an application in that behalf within a month after he becomes aware of the proceedings taken under section 5.

- (3) Every creditor shall furnish, along with his written statement, full particulars of all debts due to him from the applicant and shall, at the same time, produce all documents in support of the same including entries in books of account on which he relies to support his claim together with a true copy of every such document.
- (4) The tribunal shall, after marking for the purpose of identification every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the creditor.
- (5) If any document which is in the possession or under the control of a creditor is not produced by him as required by subsection (3), the document shall not be admissible in evidence against the debtor in any suit brought by such creditor or by any person claiming under him for the recovery of the debt:

Provided that the tribunal shall have the power to condone for valid reasons any default or delay in the production of documents

Filing of written statement and procedure thereon.

and grant reasonable time for the production of the same in any proceeding pending before it.

- 8. (1) The tribunal shall call upon the applicant and all his creditors to explain their respective cases regarding each debt and shall use its best endeavour to induce them to arrive at an amicable settlement.
- (2) If there is a dispute as to the existence or the amount of the debt due to a creditor or the assets of a debtor, the tribunal may decide the dispute after taking such evidence as it considers necessary:

tribunal to effect settlement and to decide dispute as to existence or amount of debt or assets.

Power of

Provided that a decree of a civil court relating to a debt shall be conclusive evidence as to the existence and amount of the debt.

- 9. (1) No creditor shall be allowed a greater amount in satisfaction of both the principal and interest of a debt than twice the amount of the principal and accordingly—
 - (i) if, in the course of the proceedings before the tribunal, it is found that any of the creditors has received from his debtor twice or more than twice the amount of the principal in cash or in kind by way of realisation of coconuts or copra under the terms of the agreement relating to the debt, the tribunal shall pass orders that the debt shall be deemed to have been fully discharged and shall declare that the debtor shall, from the date of the order, be in lawful possession of the property or coconut trees secured for the debt that is deemed to have been discharged;
 - (ii) it, in the course of such proceedings, it is found that with respect to any debt, the amount received in cash or in kind by way of realisation of coconuts or copra as aforesaid, by the creditor falls short of twice the amount of the principal, the tribunal shall pass orders that only such amount as, together with the amount already so received, will be equal to twice the amount of the principal, shall be repayable with respect to such debt.
- (2) For the purposes of clauses (i) and (ii) of sub-section (1), the money equivalent of the coconuts or copra realised by the creditor shall be computed in the prescribed manner on the basis of the average market price of coconuts or copra, as the case may be, for three years immediately preceding the commencement of this Regulation.

Maximum amount allowable in settlement of a debt and powers of tribunal in respect thereof.

Appeal from order of tribunal. 10. (1) Any person aggreeved by any order of the tribunal under section 8 or section 9 may, within thirty days from the date of that order, appeal to the prescribed authority:

Provided that in computing the period of thirty days aforesaid, the period commencing on and from the 15th May and ending with the 15th September each year (when access to and from the mainland is not possible due to the monsoon) shall be excluded.

(2) Subject to the provisions of section 11, the decision of the tribunal where no appeal is filed, and the decision of the prescribed authority where an appeal is filed, shall be final and shall not be questioned in any court of law.

Revision.

11. The Administrator may, within three months from the date of the order passed in appeal under section 10, call for and examine the record of any proceeding relating to such order for the purpose of satisfying himself as to the legality or propriety of the order and may pass such order thereon as he thinks fit.

Grant of loans by Administrator.

- 12. (1) Subject to such rules as may be prescribed, the Administrator may, on such security as he may consider sufficient, grant loans to any debtor whose debt has been settled under sections 8, 9, 10 and 11.
- (2) The amount of the loan shall in no case exceed the amount of the debt so settled.
- (3) Any loan granted under this section shall carry interest at such rate per annum, and shall be repayable within such number of half-yearly instalments from the date of grant of the loan, as the Administrator may from time to time specify.

Procedure as to secured debts.

- 13. (1) If the Administrator is satisfied that a debtor has no property, movable or immovable, other than the property secured by the debtor to the creditor for the advance of the debt and that the property secured as aforesaid will be sufficient security for the loan, he may grant the loan on the security of that property in which case the loan granted shall be paid by the Administrator to the creditor for and on behalf of the debtor.
- (2) Where any loan is paid to the creditor under sub-section (1), the debt due to the creditor from the debtor shall be deemed to have been fully discharged and the creditor shall cease to have any right over the properties secured to him and all such rights shall stand transferred to and vest in the Administrator.

Loans recoverable in the prescribed manner. 14. All loans granted under section 12 and interest, if any, chargeable thereon and cost, if any, incurred in making the same shall, when they become due, be recoverable in the prescribed manner.

5 of 1908.

15. Every tribunal shall have, for the purposes of this Regulation, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in relation to the following matters, namely:—

Tribunal to have certain powers of a civil court

- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of any document;
 - (c) reception of evidence on affidavits:
- (d) requisitioning any public record from any court or office:
- (e) issuing commission for the inspection of property or for examination of witnesses:
 - (f) inspection of property.
- 16. No civil court shall entertain any suit in respect of any matter pending before a tribunal or the prescribed authority or the Administrator under this Regulation and no injunction shall be granted by any court or other authority in respect of action taken or proposed to be taken in pursuance of any power conferred by or under this Regulation.

Jurisdiction of civil courts barred.

17. During the pendency of an application, appeal or revision before a tribunal, the prescribed authority or Administrator, as the case may be, in relation to the settlement of any debt, any suit or other proceeding before a civil court in respect of such debt shall not be proceeded with until and unless the application, appeal or revision has been disposed of.

Stay of pending suits or other proceedings.

18. No suit, prosecution or other legal proceeding shall lie against Protection the Government, any officer of the Government, a tribunal or the prescribed authority for anything which is in good faith done or good faith. intended to be done in pursuance of this Regulation or any rule made thereunder

of action taken in

19. (1) The Administrator may, by notification in the Official Power to Gazette, make rules to carry out the purposes of this Regulation.

make rules.

- (2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for,—
 - (a) the form of application to the tribunal;
 - (b) the form and manner of service of notices:
 - (c) the fees payable on applications and appeals;
 - (d) recording of evidence and marking of documents by the tribunal;
 - (e) the registers to be maintained by the tribunal;

- (f) the procedure to be followed in appeals and revisions under this Regulation:
- (q) verifying the sufficiency of the security offered for the grant of loans;
- (h) the manner of recovery of loans and other sums from defaulting debtors on lines similar to provisions contained in the Revenue Recovery Act, 1890;

1 of 1890.

(i) any other matter which has to be or may be prescribed.

S. RADHAKRISHNAN,

President.

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (PROTECTION OF SCHEDULED TRIBES) REGULA-TION, 1964

No. 9 of 1964

Promulgated by the President in the Fifteenth Year of the Republic of India.

A Regulation to provide for the protection of the interests of the Scheduled Tribes of the Laccadive, Minicoy and Amindivi Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:--

1. (1) This Regulation may be called the Laccadive, Minicoy and Short title, Amindivi Islands (Protection of Scheduled Tribes) Regulation, 1964.

extent and commencement.

- (2) It extends to the whole of the Union territory of the Laccadive, Minicoy and Amindivi Islands.
 - (3) It shall come into force at once.
 - 2. In this Regulation, unless the context otherwise requires,— Defini-
 - (a) "Administrator" means the Administrator of the Union territory of the Laccadive, Minicov and Amindivi Islands;
 - (b) "Scheduled Tribes" means the Scheduled Tribes of the Laccadive, Minicoy and Amindivi Islands as specified in the Constitution (Scheduled Tribes) (Union Territories) Order, 1951.
- 3. (1) No member of the Scheduled Tribes shall, except with the previous sanction of the Administrator, transfer by way of sale, mortgage, lease, exchange, gift or otherwise, any land to any person other than any such member.

Transfer attachment of land to be void in certain cases.

- (2) No land held or occupied by a member of the Scheduled Tribes shall be liable to attachment or sale in execution of any decree or order of a civil or revenue court.
- (3) Any transfer, attachment or sale of any land made in contravention of this section shall be void.

Acquisition of interest in land, etc. 4. No person other than a member of the Scheduled Tribes shall, except with the previous sanction of the Administrator, acquire any interest in any land situated in the Union territory of the Laccadive, Minicoy and Amindivi Islands or in any product of, or crop raised on, such land.

Penalty.

5. Whoever, in contravention of the provisions of section 4, acquires any interest in, or in any product of, or crop raised on, any land, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both; and the interest so acquired shall be disposed of in such manner as the Administrator may, after taking into consideration the circumstances of the case, direct.

Administrator to record reasons for granting sanction.

6. Where the Administrator grants sanction for transfer of any land under sub-section (1) of section 3 or for acquisition of any interest in any land or in any product of, or crop raised on, such land, under section 4, the Administrator shall record his reasons for such grant.

Power to make rules.

7. The Administrator may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

Regulation to override other laws. 8. The provisions of this Regulation and of any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, or in any usage or agreement, or in any decree or order of any court or other authority.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR,

Secy. to the Govt, of India.

The Gazette



of India

EXTRAORDINARY

PART II-Section 1 PUBLISHED BY AUTHORITY

No. 37] NEW DELHI, FRIDAY, OCTOBER 23, 1964 KARTIKA 1. 1886

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 23rd October, 1964/Kartika 1, 1886 (Saka)

THE DADRA AND NAGAR HAVELI (DELEGATION OF POWERS) REGULATION, 1964

No. 10 of 1964

Promulgated by the President in the Fifteenth year of the Republic of India.

A Regulation to provide for the delegation of powers vested in the Administrator of the Union territory of Dadra and Nagar Haveli.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:-

1. (1) This Regulation may be called the Dadra and Nugar Haveli Short title, (Delegation of Powers) Regulation, 1964.

exicnt and commencement,

- (2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.
 - (3) It shall come into force at once.

Definition.

2. In this Regulation, "Administrator" means the administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 230 or the Constitution.

Delegation of powers, etc., verted in Admini-trator.

- 3. (1) Any power, authority or jurisdiction or any duty which the Administrator may exercise or discharge under any law in force in the Union territory of Dadra and Nagar Haveli may be exercised or discharged also by such officer or other authority as may be specified in this behalf by the Central Government or the Administrator by notification in the Official Gazette.
- (2) The Administrator may transfer any appeal or application for revision or any other matter pending before him for disposal to an officer or other authority competent under sub-section (1) to dispose of the same.
- (3) The Administrator may withdraw for disposal by himself any appeal or application for revision or any other matter pending before an officer or other authority competent under sub-section (1) to dispose of the same.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.



ग्रसाधारण **EXTRAORDINARY** PUBLISHED BY AUTHORITY

भाग II——खणड I PART II-Sec. 1

स० 3]

मद्रं विस्ली, सोमवार, जनवरी 25, 1965 माघा 5, 1886

No. 31

NEW DELHI, MONDAY, JANUARY 25, 1965/MAGHA 5, 1886

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा वा सर्क। Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 25th January, 1965/Magha 5, 1886 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS GRAM PANCHAYATS (AMENDMENT) REGULATION, 1965

No. 1 of 1965

Promulgated by the President in the Fifteenth Year of the Republic of India.

A Regulation further to amend the Andaman and Nicobar Islands Gram Panchayats Regulation, 1961.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:--

- 1. This Regulation may be called the Andaman and Nicobar Short title. Islands Gram Panchayats (Amendment) Regulation, 1965.
- 2. In section 2 of the Andaman and Nicobar Islands Gram Amendment 4 of 1961. Panchayats Regulation, 1961 (hereinafter referred to as the principal of section Regulation), in clause (b), for the words "Revenue Assistant Commis-2. sioner", the words "Additional District Magistrate" shall be substituted.
 - 3. For section 32 of the principal Regulation, the following section Substitushall be substituted, namely:-

tion

"32. (1) The Panchayat, in respect of all roads, streets, Control of bridges, culverts and other properties placed by the Chief Panchayat Commissioner under sub-section (1) of section 39 under its on certain properties.

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of new section for section 32.

direction, management and control, may do all things necessary for the maintenance and repair thereof, and in particular, may—

- (a) widen, open, enlarge or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads,
- (b) deepen or otherwise improve any watercourse and other property mentioned in clause (c) of sub-section (1) of section 39, and
- (c) cut any hedge or branch of any tree projecting on any such public road or street.
- (2) The Panchayat shall also have control of all roads, streets, waterways, bridges and culverts which are situated within its jurisdiction, not being private property or not being the property for the time being under the control of the Government, and may do all things necessary for the improvement, maintenance and repair thereof, and in particular, may—
 - (a) lay out and make new roads, and
 - (b) construct new bridges and culverts."

Substitution of new section for section 39. 4. For section 39 of the principal Regulation, the following section shall be substituted, namely:—

Properties placed under the direction, management and control of Panchayat.

- "39. (1) The Chief Commissioner may, if he deems fit, place all or any of the properties, of the nature specified below, and situated within the jurisdiction of the Gram Sabha under the direction, management and control of the Panchayat, namely:—
 - (a) open sites, waste, vacant and grazing lands, not being private property, and river beds;
 - (b) public roads and streets;
 - (c) public channels, watercourses, wells, ponds, tanks (except irrigation tanks under the control of the Government), public springs, reservoirs, cisterns, fountains, aqueducts and any adjacent land (not being private property) appertaining to any public tank or pond; and lands appertaining thereto;
 - (d) public sewers, drains, drainage works, tunnels and culverts and things appertaining thereto and other conservancy works;

- (e) sewage, rubbish and offensive matter deposited on streets or collected by the Panchayat from streets, latrines, urinals, sewers, cesspool and other places; and
- (f) public lamps, lamp posts and apparatus connected therewith or appertaining thereto.
- (2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Panchayat and the Gram Sabha shall receive to the credit of the Gram Fund all dues levied or imposed in respect thereof.".

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.



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असाधारण

EXTRAORDINARY

भाग II_ल क 1

PART II—Section 1 प्रापिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 17] No. 17] नई विल्ली, सोमवार, जून 21, 1965/जेप्ट 31, 1887 NEW DELHI, MONDAY, JUNE 21, 1965/JYAISTHA 31, 1887

इस आग में भिन्म पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW (Legislative Department)

New Delhi, the 21st June, 1965/Jyaistha 31, 1887 (Saka)

THE DADRA AND NAGAR HAVELI (LAWS)
AMENDMENT REGULATION, 1065

No. 2 of 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

A Regulation to amend the Dadra and Nagar Haveli (Laws) Regulation, 1963.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- 1. (1) This Regulation may be called the Dadra and Nagar Haveli Short title and commencement. (Laws) Amendment Regulation, 1965.
 - (2) It shall come into force at once.
- 2. In section 2 of the Dadra and Nagar Haveli (Laws) Regulation, Amendment 1963 (hereinafter referred to as the principal Regulation), in the of section 2.

6 of 1963.

proviso-

- (a) after item 9, the following item shall be inserted, namely:—
 - "9A. The Standards of Weights and Measures Act, 1956 (89 of 1956).";
- (b) after item 11, the following item shall be added, namely:—
 - "12. The Children Act, 1960 (60 of 1960).".

Amendment of section 3.

- 3. In section 3 of the principal Regulation, after sub-section (2), the following sub-section shall be inserted, namely:—
 - "(2A) Notwithstanding anything contained in the foregoing provisions of this section, where any Act or Ordinance specified in the First Schedule provides that it shall not apply to any area or to any group or class of persons specified therein until such action or contingency as is specified in such Act or Ordinance is taken or happens, the law corresponding to such Act or Ordinance and in force immediately before the 11th day of August, 1961, shall, until the taking of such action or the happening of such contingency, continue to apply to such area or such group or class of persons."

Amendment of First Schedule.

- 4. In the First Schedule to the principal Regulation,-
- (a) the entries relating to the following Acts shall be omitted, namely:—
 - (i) The Specific Relief Act, 1877.
 - (ii) The Indian Limitation Act, 1908.
 - (iii) The Administrator General's Act, 1913.
 - (iv) The Central Board of Revenue Act, 1924.
 - (v) The Coal Mines Provident Fund and Bonus Schemes Act, 1948.
 - (vi) The Essential Commodities Act, 1955.
 - (vii) The Gujarat Co-operative Societies Act, 1961;
- (b) for the entries relating to the Societies Registration Act, 1860, the following shall be substituted, namely:—

"1860 21 The Societies Registration Act, 1860. The Act shall have effect subject to the modifications to which it is subject in its application to the State of Gujarat immediately before its commencement in the Union territory of Dadra and Nagar Haveli.";

(c) after the entries relating to the Indian Lunacy Act, 1912, the following shall be inserted, namely:—

"1912 8 The Wild Birds and Animals Protection Act, 1912.

- (d) in the entries relating to the Official Trustees Act, 1913, the modifications specified in column 4 shall be omitted;
- (e) in the entries relating to the Indian Partnership Act, 1932, in the modification specified in column 4, for the figures "1964", the figures "1966" shall be substituted;
- (f) after the entries relating to the Banking Companies Act, 1949, the following shall be inserted, namely -

"1949 38 The Chartered Accountants Act, 1949.

(g) after the entries relating to the Employees' Provident Funds Act, 1952, the following shall be inserted, namely:—

"1952 20 The Inflammable Substances Act, 1952.

(h) after the entries relating to the Hindu Adoptions and Maintenance Act, 1956, the following shall be inserted, namely:—

"1956 89 The Standards of Weights and Measures Act. 1956.

(i) after the entries relating to the Parliament (Prevention of Disqualification) Act, 1959, the following shall be inserted, namely:—

"1959 23 The Cost and Works Accountants

Act, 1959.

- (j) after the entries relating to the Prevention of Cruelty to Animals Act, 1960, the following shall be inserted, namely:—
 "1960 60 The Children Act, 1960.".
- 5. In the Second Schedule to the principal Regulation, after item of Second 4, the following items shall be added, namely:—

 Amendment of Second Schedule.
 - "5. Portaria Provincial No. 3242, dated 6-9-1938.
 - 6. Diploma Legislative No. 1063, dated 17-8-1939.
 - 7. Portaria Provincial No. 3655, dated 2-4-1942.
 - Portaria Provincial No. 4852, dated 10-3-1949.
 Diploma Legislative No. 1370, dated 19-4-1951.
 - 10. Any other Portaria, Diploma, Decreto or Order issued up to 21-7-1954, relating to the amendment of the law referred to in item 1.".

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR,

Secy. to the Govt. of India.

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असाधारण

EXTRAORDINARY

भाग ^{II}_खण्ड—^I

PART II-Section 1 प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

1 2 JUL 1965

सं० 18] No. 181

मई बिस्ली, शनिवार, जन 26, 1965/बसाद 5, 1887 NEW DELHI, SATURDAY, JUNE 26, 1965/ASADHA 5, 1887

इस भाग में भिम्म पृष्ठ संख्या ही जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सबी। Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 26th June, 1965/Asadha 5, 1887 (Saka) DADRA AND NAGAR HAVELI VILLAGE THEPANCHAYATS REGULATION, 1965

No. 3 of 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

A Regulation to provide for the establishment of Panchavats in the Union territory of Dadra and Nagar Haveli and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, the Fresident is pleased to promulgate the following Regulation made by him:--

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Dadra and Nagar Short title, Haveli Village Panchayats Regulation, 1965.

extent and commencement.

- (2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.
- (3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

Definitions.

- 2. In this Regulation, unless the context otherwise requires,—
 - (a) "Administrator" means the administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;
- (b) "building" includes a house, outhouse, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other structure, whether of masonry, bricks, wood, metal or any other material, but does not include a temporary structure erected on ceremonial or festive occasion or a tent;
- (c) "land" includes land which is built upon or covered with water;
- (d) "notification" means a notification published in the Official Gazette;
- (e) "octroi" means a tax on the entry of goods into the area within the jurisdiction of a Panchayat for consumption, use or sale therein:
- (f) "Panchayat" means a Panchayat established under section 3:
- (g) "prescribed" means prescribed by rules made under this Regulation;
- (h) "public street" means a pathway, road, street, square, court, alley, cart track, foot-path or riding path over which the public have a right of way, whether a thoroughfare or not, and includes—
 - (i) the road-way over any public bridge or cause-way;
 - (ii) the foot-way attached to any such street, road, public bridge or cause-way;
 - (iii) the drains attached to any such street, road, public bridge or cause-way and the land which lies on either side of the road-way up to the boundaries of the adjacent property;
- (i) "Sarpanch" and "Upa-Sarpanch" mean respectively the Sarpanch and Upa-Sarpanch of a Panchayat:
 - (j) "Schedule" means a Schedule to this Regulation;

- (k) "tax" means a tax, cess, rate or other impost, but does not include a fee;
- (1) "term of a Panchayat" means the period for which the members of a Panchayat shall hold office under section 22;
- (m) "Varishta Panchayat" means the Varishta Panchayat in existence immediately before the 11th day of August, 1961, as reconstituted from time to time in accordance with this Regulation;
- (n) "village" means any local area declared under section 3 to be a village for the purposes of this Regulation.

CHAPTER II

GRAM SABHAS—ESTABLISHMENT AND CONSTITUTION OF Panchayats and elections

3. (1) After making such inquiry as he thinks necessary the Decleration Administrator may, by notification, declare any local area, comprising and estaba village or a group of villages or any part or parts thereof or a Panchavets, combination of any two or more of them, to be a village for the purposes of this Regulation.

- (2) For every village there shall be a Panchayat as from such date as the Administrator may, by notification, appoint.
- 4. As from the date appointed under section 3, all persons whose Gram Sabha. names are for the time being entered as electors in the electoral roll for a village shall be deemed to constitute the Gram Sabha for that village.
- 5. (1) There shall be held at least two meetings of the Gram Sabha Meetings of every year on such date and at such time and place as may be Gram Sabha prescribed:

Provided that the Sarpanch shall, upon a requisition in writing by not less than one-fifth of the number of members and within thirty days of the receipt of such requisition, call an extraordinary general meeting of the Gram Sabha.

- (2) The Sarpanch or, in his absence, the Upa-Sarpanch, or, in the absence of both, any person chosen by the Gram Sabha shall preside at such meetings.
- (3) One-tenth of the total number of members of the Gram Sabha shall form the quorum for a meeting.
 - 6. (1) The Panchayat shall place before the Gram Sabha—
 - (a) the annual statement of accounts;

(b) the report on the administration of the preceding finan-Sabha. cial year;

Panchayat to place certain matters before Gram

- (c) the development and other programmes of work proposed for the current financial year;
 - (d) the last audit report and replies made thereto;
- (e) proposals for fresh taxation or enhanced taxation and any new programme not covered by clauses (a) and (c); and
- (f) proposals for organising community service, voluntary labour or mobilisation of the local people for any specific work included in any programme.
- (2) It shall be open to the Gram Sabha to discuss any or all of the matters placed before it under sub-section (1) and the Panchayat shall consider the suggestions, if any, made by the Gram Sabha.
- (3) A Gram Sabha shall carry out such other functions as the Administrator may, by general or special order, require.

Constitution of Panchayats. 7. (1) A Panchayat shall consist of such number of members as the Administrator may, by order, determine so far as may be in accordance with the following table:—

TABLE

For a Panchayat with a population of	Number of members
(t) not more than 2,000	7;
(2) more than 2,000 but not more than 4,000	9;
(3) more than 4,000 but not more than 6,000	11;
(4) more than 6,000 but not more than 8,000	13;
(5) more than 8,000	15.

- (2) All the members of a Panchayat shall be elected.
- (3) Of the total number of members of a Panchayat, at least one shall be a woman and accordingly—
 - (a) if there is only one woman candidate at the election, she shall be declared elected;

- (b) if there are more woman candidates than one at the election, the candidate who secures the largest number of votes among such woman candidates shall be declared elected.
- (4) Where there is no woman candidate at the election, the male candidates duly elected or deemed under sub-section (5) to have been duly elected, shall co-opt as member a woman who is otherwise qualified to be elected as a member of the Panchayat.
- (5) Subject to the provisions of sub-sections (3) and (4), if, for any reason, an election does not result in the return of the required number of qualified persons willing to take office, the Administrator shall, as soon as possible, appoint from persons qualified to be elected, such number of persons as are necessary to make up the required number, and the persons so appointed shall be deemed to have been duly elected.
- 8. (1) The Varishta Panchayat shall consist of representatives Varishta ected by each Panchayat from among its members, in accordance Panchayat with the following table:—

TABLE

	·
For a Panchayat with a population of	Number of representatives
	<u> </u>
(1) not more than 2,000	Ι;
(2) more than 2,000 but not more than	
8,000	2;
(3) more than 8,000	4.
	<u>! </u>

- (2) The functions of the Varishta Panchayat shall be those specified in the Dadra and Nagar Haveli Act, 1961.
 - (3) Every member of the Varishta Panchayat shall hold office as such so long as he continues to be a member of the Panchayat from which he has been elected.
- (4) Any casual vacancy in the office of member of the Varishta Panchayat shall be filled in accordance with rules made under section 35 of 1961. 14 of the Dadra and Nagar Haveli Act, 1961.
 - 9. Every Panchayat shall, by the name specified by the Adminis-Incorporatrator in this behalf, be a body corporate having perpetual succession Panchayats. and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation, have power to acquire,

35 of 1961.

hold or dispose of property, both movable and immovable, and to contract and shall by the said name sue or be sued.

Alteration in area of village.

- 10. (1) The Administrator may, after consultation with the Panchayat or Panchayats concerned, at any time by notification—
 - (a) include any area within the limits of a village, or
 - (b) exclude any area from the limits of a village, or
 - (c) declare that any village shall cease to exist by reason of its inclusion in another village or in any municipal or other local area.
- (2) Where, by a notification under sub-section (1), any area is included within the limits of a village, the jurisdiction of the Panchayat established for that village shall extend to such area which shall become subject to all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in that village.
- (3) Where, by a notification under sub-section (1), any area is excluded from the limits of a village, the jurisdiction of the Panchayat established for that village over such area shall thereupon cease and all notifications, rules, bye-laws and orders made undε this Regulation or any other law in force in that village shall cease to apply to that area.
- (4) Where, by a notification under sub-section (1), a village ceases to exist, the Panchayat established for it shall stand dissolved and the assets and liabilities of the Panchayat shall be disposed of in the prescribed manner.

Qualification for membership.

11. A person shall not be qualified to be chosen as a member of a Panchayat unless his name is entered as an elector in the electoral roll for the village for which it is established.

Disqualifications for membership.

- 12. A person shall be disqualified for being chosen as, and for being, a member of a Panchayat if he—
 - (a) is not a citizen of India; or
 - (b) is under twenty-five years of age; or
 - (c) holds any office of profit under the Central Government, any State Government or the Panchayat or any other local authority; or
 - (d) has been dismissed on or after the eleventh August, 1961, from the service of the Government or any local authority for misconduct unless a period of five years has elapsed from such dismissal; or

- (e) has directly or indirectly any share or monetary interest in any work done by or to the Panchayat or any contract or employment with, under or by or on behalf of the Panchayat; or
 - (f) is an undischarged insolvent; or
- (g) is of unsound mind and stands so declared by a competent court; or
 - (h) is suffering from infectious leprosy; or
- (i) has been convicted by a criminal court of any offence involving moral turpitude and sentenced to imprisonment for not less than six months and five years have not elapsed since his release; or
- (j) is in arrear for such period as may be prescribed of any tax, fee or other sum due to the Panchayat.
- 13. If any question arises as to whether a member of a Panchayat Decision on has become subject to any disqualification mentioned in section 12, as to distinct the prescribed authority for decision and its qualification, decision thereon shall be final.
- 14. (1) Every person who is a citizen of India and not less than Electors and twenty-one years of age on the prescribed date and who is ordinarily relisted to be registered as an elector in the electoral roll for that village:

Provided that a person shall not be so entitled if he is of unsound mind and stands so declared by a competent court

Explanation.—A person shall be deemed to be ordinarily resident in a village if he has been ordinarily residing therein or is in possession of a dwelling house therein ready for occupation.

- (2) The electoral roll for a village shall be prepared in accordance with such rules as may be made in this behalf by the Administrator.
- 15. Every person whose name is, for the time being, entered in Right to the electoral roll for a village as an elector shall be entitled to vote vote. at the election of a member of the Panchayat for that village.
- 16. The election of members of a Panchayat shall be held in Election of accordance with such rules as may be made in this behalf by the Administrator on such date or dates as the Administrator may, by notification, direct:

Provided that a casual vacancy shall be filled as soon as may be after the occurrence of the vacancy:

Provided further that no election shall be held to fill a casual vacancy occurring within three months prior to the general election for a Panchayat under this section:

Provided also that till the electoral roll of a village has been prepared, a casual vacancy shall be filled by co-option by the Panchayat of a person entitled to be registered as an elector in the electoral roll of the village.

Dispute as to validity of election.

- 17. (1) If the validity of an election of a member of a Panchayat is called in question by any person qualified to vote at the election to which such question relates, such person may, at any time within fifteen days after the date of declaration of the result of the election, apply to the prescribed authority in such form as may be prescribed, for the determination of such question.
- (2) If, on receipt of an application under sub-section (1) and after making such inquiry as he considers necessary, the prescribed authority is satisfied—
 - (a) that any member who has been elected was on the date of election subject to any of the disqualifications mentioned in section 12, or
 - (b) that any corrupt practice has been committed by any member who has been elected or by any other person with the consent of such member, or
 - (c) that the result of the election, in so far as it concerns an elected member, has been materially affected—
 - (i) by any corrupt practice committed in the interest of the elected member by any person without the consent of such member, or
 - (ii) by any non-compliance with the provisions of this Regulation or any rules or orders made thereunder,

the prescribed authority shall declare the election of such member to be invalid, and such declaration shall be final:

Provided that no election of a member shall be declared invalid on the ground that such member committed a corrupt practice unless he has been given an opportunity to show cause against such declaration.

(3) Where the prescribed authority declares the election of any member to be invalid on the ground that he committed a corrupt practice, the prescribed authority may declare such member to be disqualified from exercising any electoral right or from being a

member of any Panchayat for such period not exceeding five years. as he may determine.

- (4) A person shall be deemed to have committed a corrupt practime if he, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration or holds out any promise of individual profit or any threat of injury to any person.
- 18. If the prescribed authority declares the election of any Fresh member to be invalid, a fresh election to fill the vacancy so caused elections. shall be held in accordance with the provisions of this Regulation.
- 19. No civil court shall have jurisdiction to question the legality Jurisdiction of any action taken or any decision given by the prescribed authority of civil in connection with the conduct of elections under this Regulation.

courts in election matters barred.

20. (1) At the first meeting of a Panchayat to be called on a date Election of fixed by the Administrator after each general election, the members Sarpanch of a Panchayat shall elect, from amongst themselves, a Sarpanch and Sarpanch. an Upa-Sarpanch.

- (2) Such officer as may be specified in this behalf by the Administrator shall preside at such meeting but shall not have the right to vote.
- (3) No business other than the election of the Sarpanch and Upa-Sarpanch shall be transacted at such meeting.
- (4) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the officer aforesaid in such manner as he may determine.
- (5) In the event of a dispute arising as to the validity of the election of the Sarpanch or the Upa-Sarpanch, the dispute shall be referred to such authority as may be specified by notification by the Administrator and the decision of such authority thereon shall be final.
- 21. The executive powers of the Panchayat under this Regulation Sarpanch to and the responsibility for the due fulfilment of the duties imposed be the on the Panchavat under this Regulation and for carrying out the resolutions of the Panchayat shall vest in the Sarpanch:

Provided that the Sarpanch may by order delegate any of his powers under this Regulation to the Upa-Sarpanch subject to such restrictions and conditions as may be specified in the order. 230 G of I--2.

Term of office of members

22. (1) The members of a Panchayat shall hold office for a term of Panchayat. of four years:

> Provided that the Administrator may, by order in writing and for reasons to be recorded, extend the said term by a period not exceeding one year, and every such order shall be notified in the Official Gazette:

> Provided further that the members of a Panchayat in existence in the Union territory of Dadra and Nagar Haveli immediately before the commencement of this Regulation shall hold office for a period of two years from such commencement.

- (2) The term of office of the members shall be deemed to commence on the date of the first meeting of the Panchayat referred to in sub-section (1) of section 20.
- (3) The term of office of outgoing members shall be deemed to extend to and expire with the date preceding the date of such meeting.
- (4) The Sarpanch and the Upa-Sarpanch shall hold office for the term of the Panchayat including the extended term, if any:

Provided that the Sarpanch shall, after the expiry of his term, continue to carry on the current duties of his office until a new Sarpanch is elected and takes over charge.

Oath of office.

- 23. (1) As soon as may be after the first meeting of the Panchayat after each general election, every member thereof shall take the oath of office before such officer as the Administrator may specify in this behalf, in the form set out in the First Schedule.
- (2) No member who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall he be included as a member of any committee constituted by the Panchayat.

Resignation of office.

- 24. (1) Any member may resign his office by giving notice in writing to that effect to the Sarpanch, and such resignation shall take effect from the date of its receipt by the Sarpanch.
- (2) The Upa-Sarpanch may resign his office by giving notice in writing to the Sarpanch but the resignation shall not take effect until it is accepted by the Panchayat.
- (3) The Sarpanch may resign his office by giving notice in writing to the Administrator but the resignation shall not take effect until it is accepted by him,

- 25. (1) A motion of no-confidence may be moved by any member Motion of no-confidence a Panchayat against the Sarpanch or the Upa-Sarpanch after giv-dence. Ing such notice thereof as may be prescribed.
- (2) If the motion is carried by a majority of not less than twothirds of the total number of members of the Panchayat, the Sarpanch or the Upa-Sarpanch, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.
- (3) Notwithstanding anything contained in this Regulation, the Sarpanch or the Upa-Sarpanch shall not preside over a meeting in which a vote of no-confidence is discussed against him, but he shall have the right to speak or otherwise take part in the proceedings of such meeting.
- 26. (1) Such authority as may be specified by notification by the Removal Administrator may, after giving due notice to the Panchayat and after such inquiry as such authority thinks fit, remove from office any member (including the Sarpanch or Upa-Sarpanch) of a Panchayat who has been guilty of misconduct or neglect of duty or persistent remissness in the discharge of his duties; and the member so removed shall not be eligible for re-election during the remainder of the term of the Panchayat.
- (2) Any person who has been removed from his office by the authority referred to in sub-section (1) may, within thirty days from the date of the order, prefer an appeal to the Administrator who may, after giving the appellant an opportunity of being heard, modify, set aside or confirm the order of removal.
- (3) The order of removal passed by the authority referred to in sub-section (1) shall not take effect before the period during which an appeal may be preferred under sub-section (2) has expired.
- (4) An order passed by the Administrator on appeal shall be final.
- (5) Where an appeal has been filed under sub-section (2), the Administrator may stay the operation of the order of the authority referred to in sub-section (1) till the appeal is disposed of.
- 27. Any casual vacancy in the office of the Sarpanch or the Upa-Casual Sarpanch shall be filled for the remainder of his term by election in vacancy accordance with the provisions of this Regulation.

Officers and employees of the Panchayat.

- 28. (1) The Administrator shall appoint a Secretary for every Panchayat.
- (2) The Panchayat may appoint such other officers and employees and in such number as may from time to time be necessary:

Provided that it shall not create any post not already provided for in the budget except with the previous approval of the Administrator.

Meetings of Panchayat,

- 29. (1) The time and place of meetings of a Panchayat and the procedure at such meetings shall be such as may be prescribed.
- (2) A member of a Panchayat may, at any meeting, move any resolution and put questions to the Sarpanch or the Upa-Sarpanch on matters connected with the administration of the Panchayat in the manner prescribed.
- (3) No resolution of a Panchayat shall be modified, amended varied or cancelled by the Panchayat within a period of three months from the date of passing thereof except by a resolution supported by two-thirds of the total number of members of the Panchayat.

Committees,

- 30. (1) Subject to such rules as may be made in this behalf, a Panchayat may appoint from among its members a Finance, Administration and General Committee, a Social Services Committee, a Production Committee and such other Committees for the efficient discharge of its duties as may be considered necessary.
- (2) A Panchayat may temporarily associate with any Committee one or two persons, not being members of the Panchayat, who have special experience and knowledge of any subject dealt with by a Committee and any such person shall have the right to take part in the discussions of the Committee but shall not have the right to vote, and shall not be a member for any other purpose.

Proceedings not to be invalid. 31. No act or proceeding of a Panchayat or of any Committee thereof shall be deemed to be invalid by reason only of the existence of any vacancy in, or defect in the constitution of, the Panchayat or the Committee or of any informality in its proceedings.

CHAPTER III

POWERS, DUTIES AND FUNCTIONS OF A PANCHAYAT

Duties and functions. 32. (1) It shall be the duty of every Panchayat so far as its Fund may allow to make reasonable provision within its jurisdiction in regard to the matters specified in the Second Schedule.

- (2) A Panchayat may also make provision for carrying out within the area comprised within its jurisdiction any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the residents of the area.
- 33. (1) The Panchayat, in respect of all roads, streets, bridges, Control of culverts and other properties placed by the Administrator under sub- Panchayat on certain section (1) of section 39 under its direction, management and control, properties. may do all things necessary for the maintenance and repair thereof, and in particular, may—

- (a) widen, open, enlarge or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads,
- (b) deepen or otherwise improve any watercourse and other property mentioned in clause (c) of sub-section (1) of section 39, and
- (c) cut any hedge or branch of any tree projecting on any such public road or street.
- (2) The Panchayat shall also have control of all roads, streets, waterways, bridges and culverts which are situated within its jurisdiction, not being private property or not being property for the time being under the control of the Government and may do all things necessary for the improvement, maintenance and repair thereof, and in particular, may—
 - (a) lay out and make new roads, and
 - (b) construct new bridges and culverts.
- 34. The Administrator may entrust to the Panchayat, the execu- Transfer of tion, maintenance or repair of any work or the management of any or instituinstitution on behalf of the Government or any local authority:

tion to Panchayat,

Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall be placed at the disposal of the Panchayat by the Government or such local authority.

- 35. (1) Subject to the rules made under this Regulation, a Village Panchayat may organise a village volunteer force consisting of able- force. bodies males residing in the village who are between the ages of 21 and 40 and who are willing to join the force and place such force under the command of a suitable person.
- (2) The services of the village volunteer force may be utilised for general watch and ward purposes and in cases of emergency like fire, floods, out-break of epidemics or any other natural calamity.

(3) No member of the force shall be held liable for damages on account of any act done by him in the bona fide discharge of his duties as a member of such force.

Execution of contracts.

36. Every contract or agreement entered into by a Panchayat shall be in writing and shall be signed by the Sarpanch or, in his absence, by the Upa-Sarpanch, and by one other member of the Panchayat and sealed with the common seal of the Panchayat.

CHAPTER IV

FINANCE, PROPERTY AND ACCOUNTS

Panchayat Fund.

- 37. (1) There shall be a Panchayat Fund for each Panchayat and the same shall be utilised for carrying out the duties and obligations imposed upon the Panchayat by this Regulation.
- (2) The following shall be credited to and form part of the Panchayat Fund, namely:—
 - (a) the proceeds of any tax or fee imposed under this Regulation and of any tax or fee imposed under any other law and transferred to the Fund;
 - (b) the grants or contributions made by the Government or any local authority or person;
 - (c) the income from securities in which the Panchayat Fund is invested;
 - (d) all sums received by way of loans or gifts;
 - (e) the income from or proceeds of any property of the Panchayat;
 - (f) the sale proceeds of all dust, dirt, dung or refuse collected by the employees of the Panchayat;
 - (g) sums assigned to the Panchayat Fund by any general or special order of the Government;
 - (h) all sums received in aid of or for expenditure on any institution or service, maintained or financed from the Panchayat Fund or managed by the Panchayat.
- (3) The amount in the Panchayat Fund shall be applied subject to the provisions and for the purposes of this Regulation and shall be kept in such custody as may be prescribed.

Grants.

38. The Administrator may, subject to such conditions as he may deem fit, make grants to a Panchayat for general purposes or for the improvement of the area within its jurisdiction and the welfare of the residents therein.

39. (1) The Administrator may, if he deems fit, place all or any placed under of the properties, of the nature specified below, and situated within the direction, the jurisdiction of a Panchayat under the direction, management management and control of the Panchayat, namely:-

and control of the

- (a) open sites, waste, vacant and grazing lands, not being Panchayat. private property, and river beds;
 - (b) public roads and streets;
- (c) public channels, water courses, wells, ponds, tanks (except irrigation tanks under the control of the Government), public springs, reservoirs, cisterns, fountains, aqueducts and any adjacent land (not being private property) appertaining thereto:
- (d) public sewers, drains, drainage works, tunnels and culverts and things appertaining thereto and other conservancy works:
- (e) sewage, rubbish and offensive matter deposited on streets or collected by the Panchayat from streets, latrines, urinals, sewers, cesspool and other places; and
- (f) public lamps, lamp posts and apparatus connected therewith or appertaining thereto.
- (2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Panchayat and the Panchayat shall receive to the credit of the Panchayat Fund all dues levied or imposed in respect thereof.
- 40. (1) Subject to the rules made under this Regulation, a Pan- Taxes which chayat may levy-

may be imposed.

- (a) a tax on the owners or occupiers of buildings;
- (b) a tax on vehicles (other than mechanically propelled vehicles) kept within the jurisdiction of the Panchayat;
 - (c) a lighting tax:
 - (d) a drainage tax;
 - (e) a pilgrim tax;
 - (f) a tax on professions, trades, callings and employments:
 - (g) an entertainment tax:
 - (h) octroi;
- (i) fees for sale of goods in markets, melas, fairs and festivals:
- (j) fee for grazing of cattle in grazing lands under the management of the Panchayat:

- on cart-stands, tonga-stands and other parking places;
- (1) fee for providing the watch and ward of crops in the village; and
 - (m) licence fee for plying of public ferry.
- (2) The taxes and fees referred to in sub-section (1) shall be imposed, assessed and realised in such manner and at such times as may be prescribed.

Appeal against levy of tax, etc.

41. Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the prescribed authority within thirty days of the date of the order imposing such tax or fee.

Suspension of levy of tax or fee.

42. The Administrator may, by notification, suspend the levy or imposition of any tax or fee and may at any time in like manner rescind such suspension.

Lease of markets, ctc.

43. It shall be lawful for a Panchayat to lease by public auction or private contract the collection of any fee on markets and bazaars if any such fee is imposed under section 40:

Provided that a lossee shall give security for the due fulfilment of the conditions of the lease or contract.

Recovery of taxes and

- 44. (1) When any tax or fee or other sum due to a Panchavat other duties. has become payable, the Panchayat shall, with the least practicable delay, cause to be sent to the person liable for the payment thereof a demand notice in the prescribed form for the amount due from him and require him to pay the amount within thirty days from the date of such notice.
 - (2) Every notice of demand under sub-section (1) shall be served in such manner as may be prescribed.
 - (3) If the sum for which a notice of demand has been served is not paid within thirty days from the date of such notice, such sum shall be recoverable as an arrear of land revenue.

Accounts.

45. Every Panchayat shall maintain accounts of its receipts and expenditure in such form as may be prescribed.

Annual estimate of expendifore.

- 46. (1) The Sarpanch shall prepare annually, on or before such date and in such form as may be prescribed, a budget estimate of the income and expenditure of the Panchavat for the next financial year.
- (2) The Panchayat shall, as soon thereafter as may be, consider the budget estimate and approve the same without any modification or with such modifications or changes as it may consider necessary.

- (3) A copy of the budget estimate shall be forwarded without delay to the prescribed authority but not later than the 1st March.
- (4) No expenditure shall be incurred by a Panchayat unless it is included in the budget estimate which has been approved by the Panchayat.
- (5) A Panchayat may, at any time during the year for which annual budget estimate has been approved, cause a revised or supplementary budget estimate to be prepared which shall be considered and approved by the Panchayat in the same manner as an original budget estimate:

Provided that a copy of the revised or supplementary budget estimate shall be forwarded to the prescribed authority within such time as may be prescribed.

- 47. (1) The accounts of every Panchayat shall be audited annually Audit in such manner as may be prescribed.
- (2) The audit shall be carried out by such officer as the Administrator may appoint in this behalf, and that officer shall, within one month of the completion of the audit, forward copies of the audit report to the prescribed authority and the Panchayat.
- (3) The prescribed authority may, after considering the report and after making such further inquiry as it may consider necessary, disallow any item which appears to it contrary to law and surcharge the same on the person making or authorising the illegal payment, and shall—
 - (a) if such person is a member of the Panchayat, proceed against him in the manner specified in sub-sections (2) and (3) of section 52; and
 - (b) if such person is not a member of the Panchayat, obtain the explanation of the person and direct such person to pay to the Panchayat the amount surcharged within a specified period; and if the amount is not paid within the specified period, the prescribed authority shall cause it to be recovered as an arrear of land revenue and credited to the Panchayat Fund.
- (4) Any person aggrieved by an order of the prescribed authority under sub-section (3) may, within thirty days of the date of the order, prefer an appeal to the Administrator whose decision on such appeal shall be final.

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Administra tion Report.

- 48. (1) Every Panchayat shall submit annually to the prescribed authority a report on the administration of the Panchayat during the previous year.
- (2) The report shall be prepared by the Sarpanch and after it is approved by the Panchayat shall be forwarded to the prescribed authority with a copy of the resolution of the Panchayat thereon.

CHAPTER V

CONTROL OF PANCHAYATS

Power to call for

- 49. Any officer authorised by the Administrator (in this Chapter Proceedings, and in Chapter VI referred to as 'the authorised Officer') shall have power-
 - (a) to call for—
 - (i) any extract from the proceedings of a Panchayat, or any book, record, correspondence or document in the possession or under the control of a Panchayat; or
 - (ii) any return, plan, estimate, statement, account or report.

for the purpose of inspection or examination; and

- (b) to require a Panchayat to take into consideration—
- (i) any objection which appears to the said officer to exist to the doing of anything which is about to be done or is being done by such Panchayat; or
- (ii) any information which the said officer is able to furnish and which appears to him to necessitate the doing of a certain thing by the Panchayat,

and to make a written reply to him, within a reasonable time, stating its reasons for not desisting from doing or for not doing such things.

Default in performance of duty by Panchayats.

50. If, at any time, it appears to the authorised officer that a Panchayat has made wilful and persistent default in the performance of any duty imposed on it by this Regulation, he may, by order in writing, fix a period for the performance of that duty and if the duty is not performed within the period so fixed, the authorised officer may appoint any person to perform it and direct that the expenses of the performance of the duty shall be paid by the defaulting Panchayat within such period as he may think fit.

51. (1) If, in the opinion of the authorised officer, the execution Suspension of any order or resolution of a Panchayat or the doing of anything of order which is about to be done or is being done by or on behalf of a or resolution of Panche-Panchayat is causing or is likely to cause injury or annoyance to the yat. public or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend the execution or prohibit the doing thereof.

- (2) When the authorised officer makes an order under sub-section (1), he shall forthwith send to the Panchayat affected thereby a copy of the order together with a statement of the reasons for making it.
- (3) The authorised officer shall forthwith submit to such authority as may be specified by notification by the Administrator a report of the circumstances in which the order was made under this section and that authority may, after giving notice to the Panchayat and making such inquiry as that authority deems fit, rescind, modify or confirm the order.
- 52. (1) Every member of a Panchayat shall be personally liable Liability of for the loss, waste or misapplication of any money or other property loss, waste, of the Panchayat to which he has been a party or which has been or misap-plication. caused or facilitated by his misconduct or wilful neglect of his duty as a member amounting to fraud.

(2) If, after giving the member concerned a reasonable opportunity for showing cause to the contrary, the authorised officer is satisfied that the loss, waste or misapplication of any money or other property of the Panchayat is a direct consequence of misconduct or wilful neglect on the part of such member, he shall, by order in writing, direct such member to pay to the Panchayat before a fixed date, the amount required to reimburse it for such loss, waste or misapplication:

Provided that no such order shall be made for bona fide or technical irregularities or mistakes of a member.

- (3) If the amount is not so paid, the authorised officer shall recover it as an arrear of land revenue and credit it to the Panchayat Fund.
- (4) An order of the authorised officer shall be subject to an appeal to such authority as the Administrator may by notification specify, if made within thirty days of the date of the order.

Dissolution of Panchayat.

- 53. (1) If, in the opinion of the Administrator, a Panchayat-
 - (a) exceeds or abuses its powers, or
 - (b) is incompetent to perform, or makes wilful and persistent default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or
- (c) persistently disobeys the order of the authorised officer made under sub-section (1) of section 51,

the Administrator may, by order published in the Official Gazette, dissolve the Panchayat and direct that it shall be reconstituted in the manner provided in this Regulation.

- (2) No order under sub-section (1) shall be passed by the Administrator without giving to the Panchayat a reasonable opportunity to render an explanation.
 - (3) When a Panchayat is dissolved under sub-section (1),—
 - (a) all the members of the Panchayat shall, from the date specified in the order, cease to be members;
 - (b) all powers and duties of the Panchayat shall, during the period of dissolution of the Panchayat, be exercised and performed by such person or persons as the Administrator may appoint in this behalf.

Disputes between Panchayats. 54. If any dispute arises between two or more Panchayats, it shall be referred to the Administrator, and his decision thereon shall be final.

Administrator may call for proceedings. 55. The Administrator may call for and examine the record of the proceedings of any officer or Panchayat for the purpose of satisfying himself as to the legality or propriety of any order passed and may revise or modify the order as he may deem fit.

CHAPTER VI

MISCELLANEOUS

Power of ntry.

56. The authorised officer may authorise any of his officers to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any Panchayat or any work in progress under its direction.

57. (1) No suit or prosecution shall be entertained against any Ber of member, officer, employee or agent of a Panchayat in respect of against anything which is in good faith done or intended to be done under Panchayat, this Regulation or any rule or bye-law made thereunder.

etc. and previous notice

- (2) No suit or other legal proceeding shall be instituted against before any Panchayat or any member, officer, employee or agent of such Panchayat for anything done or purporting to be done under this Regulation or any rule or bye-law made thereunder until the expiration of two months next after notice in writing has been left or delivered at the office of the Panchayat and also at the residence of the member, officer, employee or agent thereof against whom such suit or proceeding is intended to be instituted, and the notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to institute the suit or proceeding.
- (3) Every suit or proceeding referred to in sub-section (2) shall be instituted within six months after the accrual of the cause of action and not afterwards.
- 58. Every member of a Panchayat and every officer and employee Members, maintained by or employed under a Panchayat shall be deemed to etc. of Panchayat to be a public servant within the meaning of section 21 of the Indian be public Penal Code.

59. No member of a Panchayat and no officer or other employee Members to having any duty to perform in connection with any sale under this refrain from Regulation shall directly or indirectly bid for, or acquire any interest at sales. in, any property sold at such sale.

60. The Administrator may, by notification and subject to such Delegation restrictions and conditions as may be specified therein, authorise of powers. the Collector, Dadra and Nagar Haveli, or any other officer subordinate to the Administrator to exercise in respect of Panchayats any of the powers which may be exercised by the Administrator under this Regulation except the power to make rules under section 66 and the power to frame bye-laws under section 67.

61. Every police officer shall give immediate information to the Powers and Panchayat of an offence coming to his knowledge which has been duties of committed against this Regulation or any rules or regulations made respect of thereunder and shall assist all members and employees of the offences and Panchayat in the exercise of their lawful authority.

62. Every Panchayat shall classify and preserve its records in the Classification manner prescribed.

assistance to Panchayats.

and preservation of records.

Inspection and copies of record.

63. Every Panchayat shall, on application made to it by any person interested, allow inspection of its records, and grant certified copies thereof on payment of the prescribed fee.

Effect of other laws,

64. The provisions of this Regulation shall have effect notwithstanding anything inconsistent therewith contained in any other law in force in the Union territory of Dadra and Nagar Haveli.

Removal of difficulties,

65. If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order, make such provision as may appear to him to be necessary or expedient for removing the difficulty.

Power to make rules.

- 66. (1) The Administrator may, by notification, make rules to carry out the purposes of this Regulation.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—
 - (a) the meetings of the Gram Sabha and notice of such meetings;
 - (b) the preparation and publication of electoral rolls and the conduct of elections to the Panchayat;
 - (c) the form of application disputing elections and the procedure for holding inquiry into election disputes;
 - (d) the conduct of meetings of Panchayats and the procedure for moving resolutions and putting questions at meetings of Panchayats;
 - (e) the appointment, powers, duties and conditions of service of the officers and employees of a Panchayat;
 - (f) the appointment of committees and their powers and functions;
 - (g) the form of notices to be issued and the manner of their service:
 - (h) the organisation of the village volunteer force and the fee that may be levied for watch and ward services;
 - (i) the manner of holding inquiries;
 - (j) the manner of filing appeals and hearing of such appeals;
 - (k) the custody and investment of the Panchayat Fund;

- (1) the imposition and assessment of taxes and the realisation of taxes, fees and other dues:
- (m) the form of demand notices and the manner of their service;
- (n) the form of accounts to be maintained by Panchayats and of the annual budget estimates:
 - (o) the manner of audit of the accounts of Panchayats;
 - (v) the fees for licences granted under this Regulation;
- (q) the fees to be levied by Panchayats for copies of documents and the procedure to be followed in furnishing such copies;
 - (τ) any other matter which has to be or may be prescribed.
- 67. (1) Subject to the provisions of this Regulation and the rules Power to made thereunder, the Administrator may frame bye-laws-

make byelaws.

- (a) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health;
- (b) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place;
 - (c) to prevent damage to public streets;
- (d) to regulate sanitation, conservancy and drainage in the area within the jurisdiction of the Panchayat;
- (e) to prohibit or regulate the use of public streets or other public places by shop-keepers;
- (f) to regulate the manner in which tanks, ponds and cesspools, pasture lands, play-grounds, manure pits, land for disposal of dead bodies and bathing places shall be maintained and used: and
 - (q) to regulate any other duties or functions of a Panchayat.
- (2) Any bye-law made under sub-section (1) may provide that a contravention thereof shall be punishable with fine which may extend to rupees ten and in the case of a continuing contravention, with fine which may extend to rupees two for each day during which the contravention continues.
- 68. Notwithstanding anything contained in this Regulation, the Existing Panchayats in existence in the Union territory of Dadra and Nagar Panchayats Haveli immediately before the commencement of this Regulation deemed to shall be deemed to be Panchayats duly constituted under this Regu-chayats lation and the provisions of this Regulation shall apply accordingly constituted

under this Regulation. in relation to those Panchayats except that it shall not be necessary for any such Panchayat to have at least one member who shall be a woman.

Amendment of Act 35 of 1961. Section 2, the words "and as reconstituted from time to time in accordance with law" shall be inserted at the end.

THE FIRST SCHEDULE

FORM OF OATH OF OFFICE

(See section 23)

THE SECOND SCHEDULE

MATTERS WITHIN THE JURISDICTION OF PANCHAYATS

(See section 32)

I.—SANITATION AND PUBLIC HEALTH

- (1) Sanitation and conservancy.
- (2) Removal of rubbish and keeping the area of the village in clean condition.
- (3) Supply of water for domestic use.
- (4) Construction of hospitals and dispensaries.
- (5) Maternity and child welfare.
- (6) Establishment of health institutions for poor children.
- (7) Family planning.
- (8) Provision, maintenance and regulation of burning and burial grounds.

(9) Regulation by licensing or otherwise of tea, coffee and milk shops and other shops where eatables are served.

- (10) Construction and maintenance of public latrines.
- (11) Regulating, checking and abating of offensive or dangerous trade or practice.

H.—Public Works

- (1) Construction, repair and maintenance of village roads, drains, bridges, etc.
- (2) Lighting of village and planting of trees.
- (3) Establishment and maintenance of markets, slaughter houses and other works of public utility.
- (4) Establishment, maintenance and regulation of fairs.
- (5) Construction, maintenance and control of tonga-stands, cart-stands, bathing and washing ghats and cattle pounds.
- (6) Extension of village sites and the regulation of buildings and housing schemes in accordance with such principles as may be prescribed.

III.—PLANNING AND DEVELOPMENT

Preparation and implementation or plans for the development of the village, including the development of agriculture, animal nusbandry, fisheries, village industries and co-operatives and especially:—

- (a) production and distribution of improved seeds, manure and fertilizers;
- (b) promoting the use of improved agricultural implements and making such implements easily available;
- (c) minor irrigation, construction and maintenance of field channels, lift irrigation, digging of wells and tanks, etc.;
- (d) raising, preservation and improvement of village forests, pastures and orchards;
- (e) improvement of cattle and cattle breeding and general care of live-stock;
- (f) providing for organisation, management and development of cottage and small-scale industries especially on a cooperative basis;
- (g) promotion of co-operative farming.

IV.—ADMINISTRATION

- (1) Administration of common property.
- (2) Registration of births, deaths and marriages in such manner and in such form as may be prescribed.
- (3) Numbering of premises.
- (4) Preparation, maintenance and upkeep of Panchayat records.

V.—SOCIAL WELFARE

- (1) Relief to the crippled and the destitute.
- (2) Construction of low rent houses for families with yearly income below one thousand rupees.
- (3) Preventive and relief measures in times of public calamity.
- (4) Promotion of moral and social welfare activities and encouraging and assisting voluntary organisations and other agencies engaged in such activities.

VI.—EDUCATION AND CULTURE

- Promotion of primary education and assistance in improvement of primary schools.
- (2) Establishment and maintenance of parks, clubs, akhadas and other places of recreation for the villagers, including women and children.
- (3) Establishment and maintenance of libraries and reading rooms.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Government of India.



असाकार ज

EXTRAORDINARY

भाग 11 सक्क र

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 19] No. 191

मई बिल्ली, मंगलबार, जलाई 6. 1965/बाबाढा 15. 1887 NEW DELHI, TUESDAY, JULY 6, 1965/ASADHA 15, 1887

इस भाग में भिम्म पृष्ठ संस्था दी जाती है जिससे कि यह अलग संकक्षन के रूप में रहा जा सकी। Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 6th July, 1965 Asadha 15, 1887 (Saka)

THE NORTH-EAST FRONTIER AGENCY (CONSTRUC-TION OF REFERENCES TO STATE COVERNMENT) REGULATION, 1965

No. 4 OF 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

A Regulation to provide for the construction of references to State Government in certain laws in force in the North-East Frontier Agency.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:-

1. (1) This Regulation may be called the North-East Frontier Short title. Agency (Construction of References to State Government) Regulation, extent and 1965.

commencement.

- (2) It extends to the whole of the North-East Frontier Agency.
- (3) It shall come into force at once.

Definitions.

- 2. In this Regulation, unless the context otherwise requires,—
- (a) the expression "North-East Frontier Agency" shall have the meaning assigned to it in the North-East Frontier Areas (Administration) Regulation, 1954;

I of 1954

- (b) the expression "existing law" shall have the meaning assigned to it in clause (10) of article 366 of the Constitution;
 - (c) "law in force" shall mean-
 - (i) any existing law;
 - (ii) any Act of Parliament;
 - (iii) any Ordinance or Regulation made by the President; and
 - (iv) any rule, order, bye-law, regulation or other instrument made under any such Act, Ordinance or Regulation

Construction of references to State
Government in Acts of Parliament, etc.

3. In any law in force in the North-East Frontier Agency, references to the State Government shall, save as otherwise expressly provided by any other law for the time being in force, be construed as references to the Governor of Assam acting as the agent of the President.

Validation.

4. Anything done or any action taken before the commencement of this Regulation by the Governor of Assam in relation to the North-East Frontier Agency in the exercise of the powers or the discharge of the functions of the State Government under any law in force therein shall be deemed to have been done or taken by the Governor of Assam as the agent of the President and accordingly any such thing or any such action shall be deemed to have been validly and lawfully done or taken.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.



असाधारण

EXTRAORDINARY

भाग II_श्रम 1 PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं∘ 21] Ne. 31] नई विल्ली, बृहस्पतवार, जुलाई 8, 1965/जासाहा 17, 1887 NEW DELHI, THURSDAY, JULY 8, 1965/ASADHA 17, 1887

इस भाग में भिन्न पृष्ठ संख्या ही जाती है जिससे कि यह अलग संख्लन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 8th July, 1965/Asadha 17, 1887 (Saka)
THE PAYMENT OF WAGES (ANDAMAN AND NICOBAR ISLANDS AMENDMENT) REGULATION, 1965

No. 5 OF 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

A Regulation to amend the Payment of Wages Act, 1936, in its application to the Union territory of the Andaman and Nicobar Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- 1. (1) This Regulation may be called the Payment of Wages Short title, (Andaman and Nicobar Islands Amendment) Regulation, 1965.
- (2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands.
 - (3) It shall come into force at once.

Amendment 2. In the Payment of Wages Act, 1936, in its application to the 4 of 1936.

Of section 5. Union territory of the Andaman and Nicobar Islands, in section 5, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The wages of every person employed upon or in any railway, factory or industrial establishment shall be paid before the expiry of such number of days, after the last day of the wage-period in respect of which the wages are payable, as the State Government may, by general or special order, specify, and different number of days may be specified for different areas; so however that the number of days so specified shall not exceed the wage-period next following the wage-period in respect of which the wages are payable."

S. RADHAKRISHNAN.

President.

R. C. S. SARKAR, Secu. to the Govt. of India.



असाधारण

EXTRAORDINARY

भाग II_खण्ड 1

PART II-Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

ңо 23] Ne. 23] नई दिल्ली, बृहस्पतिकार, जूलाई 15, 1965/ब्रासादा 24, 1887 NEW DELHI, THURSDAY, JULY 15, 1965/ASADHA 24, 1887

इस भाग में भिन्न पृष्ठ संख्या ही जाती है जिससे कि यह अलग संकलन के रूप में रसा था सबी। Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 15th July, 1965/Asadha 24, 1887 (Saka)

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS LAND REVENUE AND TENANCY REGULATION,

1965

No. 6 of 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

A Regulation to provide for the settlement and assessment of land revenue, rights and liabilities of holders of land and other matters relating to land in the Union territory of the Laccadive, Minicoy and Amindivi Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Laccadive, Minicoy and Short title, Amindivi Islands Land Revenue and Tenancy Regulation, 1965.

(2) It extends to the whole of the Union territory of the Laccadive, ment. Minicoy and Amindivi Islands.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different areas and for different provisions of this Regulation and any reference in any such provision to the commencement of this Regulation shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

Definitions.

- 2. In this Regulation, unless the context otherwise requires,—
- (a) "Administrator" means the Administrator of the Union territory of the Laccadive, Minicoy and Amindivi Islands;
 - (b) "agriculture" includes-
 - (i) horticulture;
 - (ii) raising of annual or periodical crops or garden produce;
 - (iii) growing of betel leaves;
 - (iv) dairy farming;
 - (v) poultry farming;
 - (vi) stock breeding; and
 - (vii) pisciculture;
- (c) "Collector" means the Collector of the district and includes any officer appointed by the Administrator to exercise and perform all or any of the powers and functions of a Collector under this Regulation;
- (d) "competent authority", in relation to any provision, means any officer appointed by the Administrator to be the competent authority for the purpose of that provision;
- (e) "cowledar" means a person who has been or is granted a lease of pandaram land on rent for a specified period, one of the conditions of such lease being that he makes improvements thereto;
 - (f) "Government" means the Central Government;
 - (g) "holding" means a parcel of land held by a land holder;
- (h) "improvement", in relation to any land, means any work which materially adds to the value of the land and which is suitable to the land and consistent with the character thereof and includes—
 - (i) the planting of coconut or other trees;
 - (ii) the construction of works for the drainage of land or for the protection of land from floods or from erosion or from other damage by water;
 - (iii) the reclaiming, clearing, enclosing, levelling or terracing of land used for agricultural purposes;
 - (iv) the erection on land or in the immediate vicinity thereof of a building or house for the occupation of the tenant, his family and servants or of a cattle shed, of a storehouse or of other construction for agricultural purposes or of any building required for the convenient or profitable use or occupation of the land; and

- (v) the renewal or reconstruction of any of the foregoing works or such alterations therein or additions thereto as are not of the nature of ordinary repairs;
- (i) "Islands" means the Union territory of the Laccadive, Minicoy and Amindivi Islands;
- (j) "jenmam land" means land other than pandaram land over which a person has proprietary rights under the customary law of the Islands;
- (k) "jenmi" means a person who has proprietary rights over jenmam land;
- (1) "kudiyan" means a person who has neither a homestead nor any land, either as owner or as a tenant in possession, on which he could erect a homestead and—
 - (i) who has been permitted with or without an obligation to pay rent by a person in lawful possession of any land to have the use and occupation of a portion of such land for the purpose of erecting a homestead; or
 - (ii) who has been permitted by a person in lawful possession of any land to occupy, with or without an obligation to pay rent, a hut belonging to such person and situate in the said land, but otherwise has no interest in the land,
- and "kudi" means the land and the homestead or the hut so permitted to be erected or occupied together with the easements attached thereto;
- (m) "land holder" means a land-owner, a tenant in possession or a mortgagee in possession;
 - (n) "land-owner" means a person—
 - (i) who is the proprietor of a parcel of land under the customary law of the Islands; or
 - (ii) who is shown as holding land as a lessee thereof in the Government records; or
 - (iii) who is shown as holding pandaram land as a cowleder in the Government records; or
 - (iv) whose name is registered as owner in any register maintained by the Administrator or by any officer authorised by him in this behalf;
- (o) "land records" means records maintained under the provisions of, or for the purposes of this Regulation;

- (p) "monsoon period" means the period beginning on the first of May and ending with the fifteenth of September;
- (q) "Nadapu tenancy" means tenancy under which a tenant is required, among other things, to render customary services such as—
 - (i) working as a member of the crew of the jenmi's or cowledar's boat;
 - (ii) thatching the boat-shed of the jenmi or cowledar;
 - (iii) repairing and maintaining jenmi's or cowledar's boat:
 - (iv) carrying out seasonal repairs to the jenmi's or cowledar's house; or
 - (v) rendering service on occasions of birth, marriage or death in the jenmi's or cowledar's house;
- (r) "Official Gazette" means the Gazette of the Islands or until the said Gazette is published, the Gazette of India;
- (s) "pandaram land" means land in which Government has, a proprietary right immediately before the commencement of this Regulation and includes any land in which it may acquire such rights under this Regulation or under any other law;
 - (t) "person under disability" means—
 - (i) a widow;
 - (ii) a minor;
 - (iii) a woman who is unmarried or who, if married, is divorced or judicially separated from her husband or whose husband is a person falling under item (iv) or item (v);
 - (iv) a member of the Armed Forces of the Union;
 - (v) a person incapable of cultivating land by reason of some physical or mental disability;
- (u) "prescribed" means prescribed by rules made under this Regulation;
- (v) "rent" means whatever is lawfully payable, in money or in kind, or partly in money and partly in kind, whether as a fixed quantity of produce or as a share of the produce, on account of the use or occupation of land or on account of any right in land but shall not include land revenue;
- (w) "revenue officer" means any officer appointed under section 4 and includes a survey officer;

- (x) "survey" includes all operations incidental to the determination, measurement and record of a boundary, or any part of a boundary and includes a re-survey;
- (y) "survey officer" means any person appointed to be a survey officer under section 3 of the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959;
- (z) "tenant" means a person who cultivates or holds the land of a jenmi, a cowledar or any other holder—of pandaram—land under an agreement, express or implied, on condition of paying rent therefor;
- (za) "year" means the agricultural year commencing on such date as the Administrator may, in the case of any specified area, by notification in the Official Gazette, appoint.

CHAPTER II

REVENUE DIVISIONS, REVENUE OFFICERS AND THEIR APPOINTMENT

3. (1) The Union territory of Laccadive, Minicoy and Amindivi Islands shall be one district for the purposes of this Regulation.

Power to divide the district into

- (2) The Administrator may, by notification in the Official tehsils. Gazette, divide the district into tehsils and villages and may alter the limits of, or abolish, any tehsil or village.
- 4. The Government or such officer as may be authorised by Appointment the Government in this behalf may appoint the following classes of officers. revenue officers, namely:—
 - (a) Collector,
 - (b) settlement officers,
 - (c) assistant settlement officers,
 - (d) tehsildars,
 - (e) revenue inspectors,
 - (f) amins, and
 - (g) such other officers as may be prescribed.
- 5. (1) The Collector shall be in charge of the revenue adminis- Collector and tration of the district and exercise the powers and discharge the certain other duties of the Collector under this Regulation or any other law for officers. the time being in force and shall exercise so far as is consistent therewith such other powers of superintendence and control within the district and over the officers subordinate to him as may, from time to time, be prescribed.

4 of 1959.

- (2) Each tehsil shall be placed under the charge of a tehsildar.
- (3) The duties and powers of a tehsildar and other revenue officers shall be such as may be imposed or conferred on them by or under this Regulation or any other law for the time being in force or any general or special order of the Administrator published in the Official Gazette.

Settlement officers.

6. The settlement officers and assistant settlement officers shall have power to take cognisance of all matters connected with the settlement of the revenue-rates and the preparation and maintenance of land records and other registers and shall exercise all such powers and perform all such duties as may be conferred or imposed by or under this Regulation or by any general or special order of the Administrator published in the Official Gazette.

Subordingtion of revenue officers. 7. All revenue officers shall be subordinate to the Administrator and all revenue officers other than the Collector shall be subordinate to the Collector.

Combination of offices.

8. It shall be lawful for the Administrator to appoint one and the same person to any two or more of the offices provided for in this Chapter or in the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959, to make any appointment 4 of 1959, by virtue of office and also to confer on any officer of the Government all or any of the powers and duties of any of the revenue officers including the Collector.

Notification of appointments. 9. All appointments made under this Chapter except those of officers of and below the rank of revenue inspector shall be notified in the Official Gazette.

Seals.

10. The Administrator shall, from time to time, by notification in the Official Gazette, specify the revenue officers who shall use a seal and also the size and description of the seal which each such officer shall use.

CHAPTER III

LAND AND LAND REVENUE

Title of Government to lands, etc.

11. (1) All lands, public roads, lanes and paths and bridges, tanks, ditches, dikes and fences on or beside the same, the bed of the sea and of harbours and creeks below high-water-mark, and all standing or flowing water, and all rights in or over the same or appertaining thereto, which are not the property of any person, are, and are hereby declared to be, the property of the Government.

Explanation.—In this sub-section, (i) "land" includes any newly formed islands, and (ii) "high-water-mark" means the highest point reached by ordinary spring-tides at any season of the year.

- (2) Unless it is otherwise expressly provided in the terms of a grant made by the Government, the right to mines, quarries, minerals and mineral products including mineral oil, natural gas and petroleum shall vest in the Government, and it shall have all the powers necessary for the proper enjoyment of such rights.
- (3) Where any property or any right in or over any property is claimed by or on behalf of the Government, or by any person as against the Government and the claim is disputed, such dispute shall be decided by the Collector whose order shall, subject to the provisions of this Regulation, be final.
- (4) Any person aggrieved by an order made under sub-section (3) or in appeal or revision therefrom may institute a civil suit to contest the order within a period of six months from the date of such order and the decision of the civil court shall be binding on the parties.
- 12. (1) The right to all trees, brushwood, jungle or other natural Right to products, wherever growing, except in so far as the same may be jungle, etc. the property of any person, shall vest in the Government and such trees, brushwood, jungle or other natural products shall be preserved or disposed of in such manner as may be prescribed, keeping in view the interests of the people in the area with regard to the user of the natural products.

(2) All road-side trees which have been planted and reared by or under the orders or at the expense of the Government and all trees which have been planted and reared at the expense of local authorities by the side of any road belonging to the Government shall vest in the Government.

- 13. Subject to rules made in this behalf under this Regulation, Assignment the Collector may set apart pandaram land for pasturage for the of land for cattle or for any other purpose.

 Only the content of the special purposes.
- 14. (1) The Collector may allot pandaram land for agricultural Allotment purposes or for construction of dwelling houses, in accordance with of land. such rules as may be made in this behalf under this Regulation.
- (2) The Administrator shall have power to allot any pandaram land for an industrial purpose or for any purpose of public utility on such conditions as may be prescribed.

Unauthoriaed occupation of land.

15. (1) Any person who occupies or continues to occupy any pandaram land without lawful authority shall be regarded as a trespasser and may be summarily evicted therefrom by the competent authority in the prescribed manner and any building or other construction erected or anything deposited on such land, if not removed within such reasonable time as such authority may, from time to time, fix for the purpose, shall be liable to be forfeited to the Government and to be disposed of in such manner as the competent authority may direct:

Provided that the competent authority may, in lieu of ordering the forfeiture of any such building or other construction, order the demolition of the whole or any part thereof.

(2) Such trespasser shall also be liable by way of penalty to pay a sum which may extend to six times the annual land revenue assessed on such land as may be specified by the competent authority and such sum shall be recoverable in the same manner as an arrear of land revenue.

Liability

- 16. (1) All lands, to whatever purpose applied, shall be liable to land revenue, payment of land revenue to the Government.
 - (2) Notwithstanding anything contained in sub-section (1), no land held by a jenmi shall be liable to payment of land revenue to the Government for such period and subject to such conditions as may be prescribed.
 - (3) The Administrator may, if he is satisfied that it is necessary or expedient so to do for the purpose of avoiding any hardship that may be caused, by reason of the provisions of sub-section (1), to any other class of persons holding lands in the Islands, exempt, by order notified in the Official Gazette, such lands from the payment of land revenue to the Government for such period and subject to such conditions as may be specified in the Order.

Abolition of tree tax.

17. From the beginning of the year in which land revenue becomes payable in respect of any holding, the tree tax levied in respect of any trees in that holding shall be abolished.

Land revenue in case of diluvion.

18. Every land holder paying land revenue shall be entitled, subject to such rules as may be made in this behalf, to a decrease of assessment if any portion (not being less than one hundred square metres) of the land held by him is lost by diluvion.

Assessment of land revenue.

- 19. (1) The assessment of land revenue on any land shall be made with respect to the use of the land-
 - (a) for purposes of agriculture;

- (b) for industrial or commercial purposes;
- (c) as sites for dwelling houses;
- (d) for any other purpose.
- (2) Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the land revenue may have been fixed has not expired, be liable to be altered and assessed at a different rate in accordance with the rules made under this Regulation.
- 20. (1) If any person holding land for any purpose wishes to Diversion or divert such land or any part thereof to any other purpose, he shall land. apply for permission to the competent authority who may, subject to the provisions of this section and to the rules made under this Regulation, refuse permission or grant it on such conditions as it may think fit.
- (2) Permission to divert as aforesaid may be refused by the competent authority only on the ground that the diversion is likely to cause a public nuisance or that it is not in the interest of the general public or that the holder is unable or unwilling to comply with the conditions that may be imposed under sub-section (3).
- (3) Conditions may be imposed on diversion for the purpose of securing the public health, safety and convenience, and in the case of land which is to be used as building sites, for the purpose of securing in addition that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality, but not for any other purpose.
- (4) If any land has been diverted without permission by the holder or by any other person with or without the consent of the holder, the competent authority, on receiving information thereof, may impose on the person responsible for the diversion a penalty not exceeding one hundred rupees, and may proceed in accordance with the provisions of sub-section (1) as if an application for permission to divert has been made.
- (5) If any land has been diverted in contravention of an order passed or of a condition imposed under any of the foregoing subsections, the competent authority may—
- (a) serve a notice on the person responsible for such contravention, directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to observe the condition; and such notice may require such person to remove 386 G of I EX—2.

any structure, to fill up any excavation, or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied; and

- (b) also impose on such person a penalty not exceeding one hundred rupees for such contravention, and a further penalty not exceeding four rupees for each day during which such contravention continues.
- (6) If any person served with a notice under sub-section (5), fails within the period stated in the notice to take the steps ordered by the competent authority under that sub-section, the competent authority may itself take such steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person in the same manner as an arrear of land revenue.

Explanation.—"Diversion" in this section means using land assessed to any purpose for any other purpose.

Remission or suspension of revenue under certain conditions.

21. The Administrator may, in accordance with the rules made in this behalf under this Regulation, grant a remission or suspension of land revenue in years in which crops in any area have failed or have been destroyed on account of any natural calamity.

Responsibility for payment of land revenue.

- 22. (1) The following persons shall be primarily liable for the payment of land revenue assessed on land, namely:—
 - (i) the land-owner;
 - (ii) the tenant or any other person in possession of the land, provided that such tenant or other person shall be entitled to credit from the land-owner for the amount paid by him.
- (2) Where there are two or more persons liable to pay land revenue under sub-section (1), all of them shall be jointly and severally liable for its payment.

Receipt for land revenue.

23. Every revenue officer receiving payment of land revenue shall, at the time when such payment is received by him, give a written receipt for the same in the prescribed form.

CHAPTER IV

SETTLEMENT OF LAND REVENUE

Definitions of "revenue survey", "settlement" and "term of settlement".

24. The operations carried out in accordance with the provisions of the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959, in any local area are called a "revenue survey", the 4 of 1959 results of the operations conducted in an area in order to determine the land revenue are called a "settlement" and the period during which such settlement is to be in force is called the "term of settlement".

25. The Administrator may at any time direct the determination or Determination of the revision of the revenue-rates for all lands in any area of which revenuea revenue survey has been made.

26. For the purpose of determining the revenue-rates, the settlement rates how officer may divide any area into units and in forming such units. he determined. shall have regard to the physical features, agricultural and economic conditions and trade facilities and communications; and shall then determine the revenue-rates for different classes of land in each such unit in the manner and according to the principles prescribed and in particular, in the case of agricultural land, to the profits of agriculture, and in the case of non-agricultural land, to the value of the land.

27. (1) The settlement officer shall prepare a table of revenue-rates of table of in the prescribed form and publish it in the prescribed manner for the revenueprescribed period.

- (2) Any person objecting to any entry in the table of revenue-rates may present a petition in writing to the settlement officer within the prescribed period and the settlement officer shall consider such objections after giving a hearing to the objector.
- (3) The settlement officer shall submit the table of revenue-rates to the Administrator together with a summary of objections, if any, his decisions on such objections and a statement of the grounds in support of his proposals.
- 28. (1) The Administrator may confirm the table of revenue-rates confirmation of the submitted to him by the settlement officer with such modification, if table of any, as he may consider necessary.

revenuerates.

- (2) The table of revenue-rates confirmed under sub-section (1) shall be finally published in the Official Gazette.
- 29. When the revenue-rates are determined under this Chapter in Introducrespect of any area, such rates shall take effect from the beginning of revenuethe year next after the date of final publication of the table of revenue. rates. rates under section 28.
- 30. (1) When the table of revenue-rates for any area has been Duration of finally published, the rates specified therein shall remain in force for revenuea period of thirty years.
 - (2) Notwithstanding anything contained in sub-section (1),
 - (a) revenue-rates may be altered or revised in any year after the expiry of every ten years from the date on which the table of

revenue-rates was introduced, in such manner and to such extent as may be prescribed;

(b) when the circumstances of a local area are such that a fresh determination of the revenue-rates is in the opinion of the Administrator inexpedient, he may extend the term of settlement by such further period as he may think necessary.

Assessment of holdings.

- 31. (1) The settlement officer shall assess the land revenue on each holding in accordance with the revenue-rates confirmed and finally published under section 28.
- (2) The settlement officer shall have the power to make assessment on all lands whatsoever to which the revenue survey extends, whether such lands are held with liability to pay full land revenue or land revenue at concessional rates or are held revenue free.
- (3) When the land revenue assessed on a holding under sub-section (1) exceeds the tree tax payable in respect of the trees on that holding at the commencement of this Regulation, the Administrator may reduce the land revenue to such extent and for such period as may be prescribed.

Additional assessment for improvements.

32. Notwithstanding anything contained in this Chapter, the Administrator may direct that any land in respect of which revenue-rate has been determined shall be assessed to additional revenue during the term of the settlement for additional advantages accruing to it from any improvements effected at the expense of the Government or any local authority.

Preparation of settlement register.

- 33. (1) It shall be the duty of the survey officer or the settlement officer on the occasion of making or revising a settlement of land revenue to prepare a register in respect of each village to be called the "settlement register", showing the area and assessment of each survey number, with any other particulars that may be prescribed, and other records in accordance with such orders as may, from time to time, be made in this behalf by the Administrator.
- (2) The table of revenue-rates published under section 28 shall be incorporated in and form part of the settlement register of the village.

Power of Collector to correct errors, etc.

- 34. (1) The powers and duties exercisable by the officers referred to in section 6 may also be exercised, during the term of settlement, by the Collector or such other revenue officer as may be specified by the Administrator for the purpose by notification in the Official Gazette.
- (2) The Collector may at any time during the term of settlement correct any error in the area of, or the land revenue assessed on, any

survey number or sub-division due to a mistake of survey or arithmetical miscalculation:

Provided that no arrears of land revenue shall become payable by reason of such correction.

- 35. It shall be the duty of the settlement officer to prepare a record Preparation of record of of rights for each village showing the area of each survey number and rights. other particulars and any other record or register, in accordance with the rules made under this Regulation.
- 36. (1) When a record of rights has been prepared, the settlement Publication officer shall publish a draft of the record in such manner and for such of the record of period as may be prescribed and shall receive and consider any object rights. tions which may be made during the period of such publication, to any entry therein or to any omission therefrom.
- (2) When all objections have been considered and disposed of in accordance with the rules made in this behalf, the settlement officer shall cause the record to be finally published in the prescribed manner.
- (3) Every entry in the record of rights as finally published shall, until the contrary is proved, be presumed to be correct.
- 37. The civil courts shall have jurisdiction to decide any dispute to Jurisdiction which the Government is not a party relating to any right or entry courts to which is recorded in the record of rights.

decide disputes.

38. The settlement officer may, on application made to him in this Correction behalf or on his own motion, within one year from the date of final mistake in publication of the record of rights, correct any entry in such record register. which he is satisfied has been made owing to a bona fide mistake.

CHAPTER V

LAND RECORDS

- 39. Records prepared during settlement shall be maintained in such Maintenance of settlemanner as may be prescribed. ment records
- 40. (1) There shall be maintained for every village a register of Register of mutations. mutations in such form as may be prescribed.
- (2) Any person acquiring by succession, survivorship, inheritance, partition, purchase, gift, mortgage, lease or otherwise any right in land or, where such person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property, shall report the acquisition of such right to the competent authority

within three months from the date of such acquisition and the competent authority shall give at once a written acknowledgement in the prescribed form for such report to the person making it.

- (3) The competent authority shall enter the substance of every report made to him under sub-section (2) in the register of mutations and also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (2) which he has reason to believe to have taken place and of which a report has not been made under the said sub-section and, at the same time, shall display a complete copy of the entry in a conspicuous place in the village and shall give written intimation to all persons appearing from the record of rights or the register of mutations to be interested in the mutations and to any other person whom he has reason to believe to be interested therein.
- (4) Should any objection to any entry made under sub-section (3) in the register of mutations be made either orally or in writing to the competent authority, he shall enter the particulars of the objection in the register of disputed cases and shall at once give a written acknowledgement in the prescribed form for the objection to the persons making it.
- (5) The objections made under sub-section (4) shall be decided on the basis of possession by the competent authority and orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by the competent authority.
- (6) After the entries in the register of mutations have been tested and found correct, the entries shall be transferred to the record of rights and shall be certified by such officer as may be prescribed in this behalf.

Penalty for neglect to afford information. 41. The Collector may, if he is of opinion that any person has wilfully neglected to make the report required by section 40 within the period specified in that section impose on such person a penalty not exceeding twenty-five rupees.

Certified copies.

42. Certified copies of entries in the record of rights may be granted by such officers and on payment of such fees as may be prescribed.

Maps and other records open to inspection, 43. Subject to such rules as may be made by the Administrator in this behalf and on payment of such fees, if any, as may be prescribed, all maps and land records shall be open to inspection by the public durning office hours, and certified extracts therefrom or certified copies thereof may be given to all persons applying for the same.

CHAPTER VI

REALISATION OF LAND REVENUE AND OTHER PUBLIC DEMANDS

44. Land revenue assessed on any land shall be the first charge on Land that land and on the crops, rents and profits thereof.

revenue to be first charge.

45. Land revenue shall be payable at such times, in such instalments, to such persons, and at such places, as may be prescribed.

Payment of land revenue.

46. (1) Any instalment of land revenue or part thereof which is not paid on the due date shall become an arrear of land revenue and the land person responsible for the payment shall become a defaulter.

Arrear of revenue.

(2) A statement of account certified by the tehsildar shall, for the purpose of this Chapter, be conclusive evidence of the existence of the arrear, of its amount and of the person who is the defaulter:

Provided that nothing in this sub-section shall prejudice the right of such person to make payment under protest and to question the correctness of the account in separate proceedings before the competent authority.

47. An arrear of land revenue may be recovered by any one or more of the following processes, namely:—

Recovery of arrears.

- (a) by serving a written notice of demand on the defaulter;
- (b) by distraint and sale of the defaulter's movable property, including the produce of the land;
- (c) by attachment and sale of the defaulter's immovable property.
- 48. The form and contents of the notice of demand and the officers Notice of by whom such notices may be issued shall be such as may be Demand. prescribed.
- 49. (1) The distraint and sale of the movable property of a defaulter Distraint and shall be made by such officers or class of officers, in such manner and sale of in accordance with such procedure, as may be prescribed.

movable property.

- (2) Nothing in sub-section (1) shall be deemed to authorise the distraint or sale of any property which, under the Code of Civil Procedure, 1908, is exempt from attachment or sale in execution of a decree or of any article set aside exclusively for religious use.
- 50. (1) When the Collector is of opinion that the processes Sale referred to in clauses (a) and (b) of section 47 are not sufficient for immovable the recovery of an arrear, he may, in addition to or instead of any of those processes, cause the land in respect of which such arrear is due to be attached and sold in the prescribed manner.

5 of 1908.

- (2) The Collector may also cause the right, title and interest of the defaulter in any other immovable property to be similarly attached and sold.
- (3) Nothing in sub-sections (1) and (2) shall be deemed to authorise the attachment or sale of any land which is exempt from attachment or sale under the provisions of the Laccadive, Minicoy and Amindivi Islands (Protection of Scheduled Tribes) Regulation, 1964.

9 of 1964.

Notice of sale.

- 51. (1) Before effecting the sale of any land or other immovable property under the provisions of this Chapter, the Collector or other officer empowered in this behalf shall issue such notices and proclamations, in such form, in such manner and containing such particulars, as may be prescribed; and the notices and proclamations shall also be published in such manner as may be prescribed.
- (2) A copy of every notice or proclamation issued under subsection (1) shall be served on the defaulter.

Sale to be by auction. **52.** All sales of property, movable or immovable, under this Chapter shall be by public auction held in accordance with such rules as may be made by the Administrator in this behalf.

Prohibition to bid at auction.

53. No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, either directly or indirectly, bid for or acquire any property at such sale except on behalf of the Government.

Sale of perishable articles.

54. Perishable articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the sale.

Sales not to be excessive.

55. Every sale of property, movable or immovable, under the provisions of this Chapter shall, as far as may be practicable, be proportionate to the amount of the arrear of land revenue to be recovered together with the interest thereon and the expenses of attachment and sale.

Deposit by purchaser of immovable property.

56. In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per cent. of the amount of his bid, and the balance within fifteen days of the date of sale.

Failure to make deposit. 57. (1) If default is made in depositing twenty-five per cent. of the amount of the bid as required by section 56, the property shall be put up for re-sale and the expenses incurred in connection with the first sale shall be borne by the defaulting bidder and be recoverable from him in the same manner as an arrear of land revenue.

- (2) If default is made in depositing the balance of the bid amount within the period specified in section 56, the deposit already made shall, after defraying therefrom the expenses of the sale, be forfeited to the Government and the property shall be resold.
- (3) Where the proceeds of the re-sale are less than the price bid by such defaulting purchaser, the difference shall also be recoverable from him in the same manner as an arrear of land revenue.
- 58. Where immovable property has been sold under this Chapter, Setting aside the defaulter, or any person owning such property or holding an sale. interest therein, may, at any time, within thirty days of the date of sale or within such further period not exceeding thirty days as the Collector may for sufficient cause allow, apply in the prescribed manner to the Collector to have the sale set aside—
 - (a) on the ground of some material irregularity or mistake or fraud resulting in substantial loss or injury to him, or
 - (b) on his depositing in the Collector's office the amount of the arrear specified in the proclamation of sale, the cost of the sale and for payment to the purchaser, a sum equal to five per cent. of the purchase money.
- 59. If, on the expiration of thirty days from the date of sale of any Confirmation immovable property or of the further period, if any, allowed under of sale. section 58, no application has been made for setting aside the sale, or if any such application has been made and rejected, the Collector shall make an order confirming the sale unless, for reasons to be recorded, the Collector sets aside the sale notwithstanding that no application therefor has been made.
- 60. (1) The Collector shall order the refund and payment to the Refunds. purchaser, of—
 - (a) the amounts deposited by him under section 56, and
 - (b) the sum equal to five per cent. of the purchase money deposited under clause (b) of section 58,

if the sale is not confirmed or is set aside.

(2) The Collector shall order the refund and payment of all the moneys deposited under clause (b) of section 58 to the person who made the deposit, if the sale is confirmed:

Provided that the Collector may set off the whole or any part of any such moneys against any arrears of land revenue or any other arrear recoverable as an arrear of land revenue, which may be outstanding against the person who made the deposit.

Certificate of purchase.

61. When a sale held under this Chapter is confirmed, the Collector shall put the person declared to be the purchaser in possession of the property and shall grant him a certificate in the prescribed form to the effect that he has purchased the property specified therein, and such certificate shall be deemed to be a valid transfer of such property.

Application of proceeds of sale.

62. The proceeds of the sale of any property under this Chapter shall be applied in defraying the expenses of the sale which shall be determined in the prescribed manner and the balance shall be applied to the payment of the arrears on account of which the sale was held and the surplus, if any, shall be paid to the person whose property has been sold.

Liability of certified purchaser.

63. The person who has purchased any land and to whom certificate of purchase has been granted shall not be liable for the land revenue in respect of the land for any period prior to the date of the sale.

Precautionary measure in certain cases. 64. When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, the Collector may, if he thinks it necessary, prevent its being removed from the land until the demand for the current year in respect of the said land is paid, whether the date fixed for the payment of the same has arrived or not.

Recovery of other public demands.

- 65. The following moneys may be recovered under this Regulation in the same manner as an arrear of land revenue, namely:—
 - (a) rent, fees and royalties due to the Government for use or occupation of land or water or any product of land;
 - (b) all moneys falling due to the Government under any grant, lease or contract which provides that they shall be recoverable as an arrear of land revenue;
 - (c) all sums declared by this Regulation or any other law for the time being in force to be recoverable as an arrear of land revenue.

CHAPTER VII

PROCEDURE OF REVENUE OFFICERS: APPEALS AND REVISIONS

Revenue officers to be courts.

66. (1) A revenue officer, while exercising power under this Regulation or any other law for the time being in force to inquire into or to decide any question arising for determination between the

Government and any person or between parties to any proceedings, shall be a revenue court.

- (2) Nothing in this Regulation shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the revenue court.
- 67. Except for reasons to be recorded in writing, no revenue Place of officer shall inquire into or hear any case at any place outside the local limits of his jurisdiction.
- 68. All revenue officers and persons acting under their orders Power to enter upon may enter upon and survey any land and demarcate boundaries and and survey do all other acts necessary for the purpose of discharging their duties under this Regulation or any other law for the time being in force and in so doing, shall cause no more damage than the circumstances of the case may require.

69. (1) The Administrator may transfer any case or class of cases Power to arising under this Regulation or any other law for the time being cases. in force from any revenue officer to any other revenue officer competent to deal with such case or class of cases.

- (2) The Collector may transfer any case or class of cases arising under this Regulation or any other law for the time being in force for inquiry or decision from his own file or from the file of any revenue officer subordinate to him to the file of any other revenue officer subordinate to him and competent to deal with such case or class of cases.
- 70. (1) Every revenue officer, not lower in rank than a tehsildar, Power to acting as a revenue court, shall have power to take evidence and to dence. summon any person whose attendance he considers necessary, either summon witnesses, as a party or as a witness or to produce any document, for the etc. purpose of any inquiry which such officer is legally empowered to make; and all persons so summoned shall be bound to attend either in person or by an authorised agent as such officer may direct, and to produce such documents as may be required.
- (2) Every summons shall be in writing, signed and sealed by the officer issuing it and shall be in such form and be served in such manner as may be prescribed.

Compelling attendance of witnesses.

- 71. If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons, the officer by whom the summons has been issued under section 70 may—
 - (a) issue a bailable warrant of arrest;
 - (b) order him to furnish security for appearance; or
 - (c) impose upon him a fine not exceeding twenty rupees.

Hearing in absence of party.

- 72. (1) If, on the date fixed for hearing a case or proceeding, a revenue officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process fees for such service, the case or proceeding may be dismissed for default of payment of such process fees.
- (2) If any party to a case or proceeding before a revenue officer does not appear on the date fixed for hearing, the case may be heard and determined in his absence or may be dismissed for default.
- (3) The party against whom any order is passed under subsection (1) or sub-section (2) may apply, within thirty days from the date of such order, to have it set aside on the ground that he was prevented by sufficient cause from paying the requisite process fees or from appearing at the hearing; and the revenue officer may, after notice to the opposite party and after making such inquiry as he considers necessary, set aside the order passed.

Adjourment of hearing.

- 73. (1) A revenue officer may, from time to time, for reasons to be recorded, adjourn the hearing of a case or proceeding before him.
- (2) The date and place of an adjourned hearing shall be intimiated at the time of the adjournment to such of the parties and witnesses as are present.

Power to order payment of cost. 74. A revenue officer may direct the parties to pay the cost incurred in any case or proceeding before him and also apportion the cost among the parties in such manner and to such extent as he may think fit.

Use of force.

75. Where any order is passed under this Regulation directing any person to deliver possession of land or directing the eviction of any person from land, such order shall be executed by the competent authority in such manner as may be prescribed and it shall be lawful for such authority, in accordance with rules to be prescribed, to take such steps and use or cause to be used such force as may be reasonably necessary for securing compliance with the order.

76. All appearances before, applications to, and acts to be done Appearance before, any revenue officer under this Regulation or any other law before and applications for the time being in force may be made or done by the parties to revenue themselves or by their authorised agents who shall not be legal officers. practitioners:

Provided that any such appearance shall, if the revenue officer so directs, be made by the party in person.

- 77. Any revenue officer by whom an order was passed in a case Correction or proceeding may, either on his own motion or on the application of error or omission. of a party, correct any error or omission not affecting a material part of the case or proceeding, after such notice to the parties as he may consider necessary.
- 78. (1) Save as otherwise expressly provided, an appeal shall lie Appeals. from every original order passed under this Regulation,—
 - (a) if such an order is passed by an assistant settlement officer, to the settlement officer or to a revenue officer notified by the Administrator in the Official Gazette to be the appellate authority;
 - (b) if such an order is passed by a settlement officer, to the Administrator:
 - (c) subject to the provisions of clauses (a) and (b), if such an order is passed by an officer subordinate to the Collector, to the Collector; and
 - (d) if such an order is passed by the Collector, to the Administrator.
- (2) A second appeal shall lie to the Administrator against any order passed in first appeal under clause (a) or clause (c) of subsection (1).

79. (1) No appeal shall lie,—

- (a) in the case of a first appeal, after the expiry of thirty Limitation days from the date of the order appealed against; and
- (b) in the case of a second appeal, after the expiry of sixty days from the date of the order appealed against.
- (2) In computing the above periods, the time required to obtain copies of the order appealed against shall be excluded.
- 80. The Administrator or the Collector may, at any time, either Revision. on his own motion or on the application of any party, call for the record of any proceeding before any revenue officer subordinate to him for the purpose of satisfying himself as to the correctness,

legality or propriety of any order passed by such reveuue officer, and may pass such order with respect thereto as he thinks fit:

Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties interested, notice to appear and make their representations.

Review of orders.

81. (1) A revenue officer may, either on his own motion or on the application of any party interested, review any order passed by himself or by any of his predecessors-in-office and pass such order in reference thereto as he thinks fit:

Provided that a revenue officer subordinate to the Collector shall, before reviewing any order under this section, obtain the permission of the Collector and the Collector shall, before reviewing an order passed by any of his predecessors-in-office, obtain the permission of the Administrator.

- (2) No order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings and except after notice to the other party and no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.
- (3) No order shall be reviewed except on the following grounds, namely:—-
 - (i) discovery of new and important matter of evidence;
 - (ii) some mistake or error apparent on the face of the record; or
 - (iii) any other sufficient reason.
- (4) For the purposes of this section, the Collector shall be deemed to be the successor-in-office of any revenue officer who has left the district or who has ceased to exercise powers as a revenue officer and to whom there is no successor in the district.
- (5) An order which has been dealt with in appeal or on revision shall not be reviewed by any officer subordinate to the appellate or revisional authority

Stay of execution of orders,

- 82. (1) A revenue officer who has passed any order or his successor-in-office may, at any time before the expiry of the period prescribed for appeal, direct the stay of execution of such order for such period as he thinks fit provided that no appeal has been filed.
- (2) Any authority before whom a case is pending in appeal or revision may direct the stay of execution of the order appealed from or under revision for such period as it may think fit.

(3) The revenue officer or other authority directing such stay of execution of any order may impose such conditions, or order such security to be furnished, as he or it may think fit.

CHAPTER VIII

OCCUPANTS AND THEIR RIGHTS

83. The Administrator may, subject to such conditions as may be Conferment of rights of prescribed, confer the rights of occupancy under this Chapter on-

occupancy.

- (a) a person who immediately before the commencement of this Regulation was occupying pandaram land as cowledar;
- (b) any other person who is in occupation of pandaram land at the commencement of this Regulation; or
- (c) any person who may be allotted pandaram land under section 14.
- 84. (1) Subject to the provisions of this Regulation and the Rights of Laccadive, Minicov and Amindivi Islands (Protection of Scheduled Tribes) Regulation, 1964, the rights of an occupant in his land shall be permanent, heritable and transferable.

occupants.

- (2) The occupant shall be entitled, by himself, his servants, tenants, agents or other representatives to erect buildings, construct wells or tanks or make other improvements thereon for the better cultivation of the land or its convenient or profitable use, to plant trees on his land, to enjoy the products thereof and to fell, utilise or dispose of the timber of any trees on his land.
- (3) Nothing in sub-section (2) shall entitle the occupant to use his land to the detriment of any adjoining land which is not his or in contravention of the provisions of any other law for the time being in force applicable to such lands.

CHAPTER IX

RIGHTS OF TENANTS

85. (1) Notwithstanding anything contained in any law, custom, Abolition of usage or contract, the Nadapu tenancy shall stand abolished from Nadapu such date as the Administrator may, by notification in the Official Gazette, appoint,

(2) On the abolition of the Nadapu tenancy, three-fourths of the land held by a Nadapu tenant, together with the trees standing thereon shall stand vested in the Nadapu tenant as jenmi or cowledar thereof and the remaining one-fourth of such land together with the trees

o of 1964.

standing thereon shall revert to the jenmi or the cowleder; as the case may be, and the rights of the Nadapu tenant therein shall stand terminated.

- (3) The procedure for apportionment of the land between the Nadapu tenant and the jenmi or cowledar under sub-section (2) shall be such as may be prescribed.
- (4) Where, prior to the commencement of this Regulation, any settlement has been effected through mutual agreement between the jenmi or the cowledar and his Nadapu tenant abolishing the Nadapu tenancy, such settlement shall be binding as between the parties and shall take effect from the date of such settlement.

Tenants to have fixity of tenure,

- 86. (1) Notwithstanding anything contained in any law, custom, usage or contract, every person who holds land for cultivation as a tenant other than as a Nadapu tenant from a land-owner immediately before the commencement of this Regulation shall not be liable to eviction except as provided in this Regulation.
- (2) Nothing in this section shall apply to a tenant in respect of his holding under a land-owner who is a member of the Armed Forces of the Union, if the tenancy was created by such land-owner within a period of three months before he became a member of the Armed Forces, or while he was serving as such member.
- (3) The interest of a tenant referred to in sub-section (1) in any land held by him as such shall be heritable but, save as otherwise provided in this Regulation, shall not be transferable except to a member of his family.

Explanation.—In this section and in sections 89 and 96, "family" means wife or husband, children, grandchildren, parents and brothers.

Eviction of tenant.

- 87. No tenant other than a kudiyan shall be evicted from his land except under the orders of a competent authority and no order for eviction shall be passed except on any of the following grounds, namely:—
 - (a) that the tenant has intentionally and wilfully committed such acts of waste as are calculated to impair materially or permanently the value or utility of the land for agricultural purposes;
 - (b) that the tenant has failed to pay rent within a period of three months after it fell due:

Provided that the competent authority may, if it thinks fit, grant further time not exceeding six months for payment of the rent:

- (c) that the tenant, not being a person under disability. has, after the commencement of this Regulation, sub-let the land.
- 88. (1) After the commencement of this Regulation, no tenant Sufrender shall surrender or abandon any land held by him as such, and no tenant land-owner shall enter upon the land surrendered or abandoned by the tenant, without the previous permission in writing of the competent authority.
- (2) Where an application is made to the competent authority by a tenant for permission to surrender any land, such permission may be granted if, after making such inquiry as may be prescribed, the competent authority is satisfied that the proposed surrender is bona fide.
- (3) Where any tenant has abandoned any land or where permission to surrender land is granted in any case, the competent authority shall, in accordance with the rules made in this behalf, lease out such land to any other person who shall acquire all the rights of the tenant who abandoned or surrendered the land.
- 89. (1) Where a tenant of any land has, on or after the 1st June. Restoration 1963 surrendered, or been evicted from, such land and the surrender of possesor eviction could not have taken place if this Regulation had been in in certain force on the date of such surrender or eviction, the competent authority may, suo motu or on application made by the tenant, restore him to possession of the land which he surrendered or from which he was evicted unless some other tenant, not being a member of the land-owner's family, had bona fide been admitted to possession of such land before the commencement of this Regulation.
- (2) The competent authority shall, before making an order under sub-section (1), make such inquiry as may be prescribed.
- 90. It shall be lawful for a tenant to create a simple mortgage or a Right to charge on his interest in the produce of trees on the land leased to create a mortgage or him, in favour of the Government or a co-operative society in con-charge. sideration of any loan advanced to him by the Government or such society; and in the event of his making default in the repayment of such loan in accordance with its terms, it shall be lawful for the Government or the society, as the case may be, to cause his interest 386 G of I Ex.-4

other cases.

in the produce of trees to be attached and sold and the proceeds applied in payment of such loam.

Right to make improvements.

91. A tenant may, with the permission in writing of the landowner, or if permission is refused without sufficient reason or is not given within two months, after obtaining the orders of the competent authority in the prescribed manner, make at his own expense any improvement to the land held by him, but shall not become liable to pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised, as a consequence of such improvement.

Compensation for improvements.

- 92. (1) A tenant who has made any improvement at his own expense on the land leased to him shall, if he is to be evicted under the provisions of this Chapter, be entitled to receive compensation, before he is so evicted, for such improvement as, in the opinion of the competent authority, is reasonable.
- (2) The compensation payable to a tenant under sub-section (1) shall be determined in accordance with the value of such improvement on the date of eviction, regard being had to the following matters, namely:—
 - (a) the amount by which the value of the land has increased by reason of the improvement;
 - (b) the condition of the improvement at the date of the determination of the value thereof and the probable duration of its effect;
 - (c) the labour and capital involved in the making of the improvement; and
 - (d) the advantages secured by the tenant in consideration of the improvement made by him.
- (3) In any case in which compensation is payable to a tenant under this section, the competent authority may direct that—
 - (a) the whole or any part of any loan which the tenant has taken on the security of his interest in the produce of trees under section 90 and which is outstanding shall be deducted from such compensation and paid to the Government or the co-operative society, as the case may be;
 - (b) any arrear of rent due by the tenant to the land-owner and the costs, if any, awarded to the land-owner shall be adjusted against the compensation.
- (4) A tenant against whom an order of eviction has been passed, shall be entitled to remove within such time as is deemed reasonable

by the competent authority, any work of improvement which can be severed from the land and which the tenant desires to remove, or any building or construction or work (which is not an improvement) in respect of which the land-owner is not willing to pay the compensation.

93. Where a tenancy is sought to be terminated on the ground Relicf that the tenant has materially impaired the value or utility of the termination land for agricultural purposes, if the damage to the land admits of for act of being repaired or if pecuniary compensation would afford adequate waste. relief, no proceeding for eviction shall lie against the tenant unless and until the land-owner has served on the tenant a notice in writing specifying the damage complained of and the tenant has failed within a period of one year from the service of such notice to repair the damage or to pay compensation therefor.

94. A tenant may by agreement exchange any land comprised in Exchange of his holding with the land of the same class of any other tenant with the previous permission of the competent authority.

95. (1) If a land-owner at any time intends to sell his land held First option by a tenant other than a tenant enjoying fixity of tenure under section 86, he shall give notice in writing of his intention to such tenant and offer to sell the land to him and in case the latter intends to purchase the land, he shall intimate in writing his readiness to do so within two months from the date of receipt of such notice.

- (2) If there is any dispute about the reasonable price payable for the land, either the land-owner or the tenant may apply in writing to the competent authority for determining the reasonable price; and the competent authority after giving notice to the other party and to all other persons interested in the land and after making such inquiry, as it thinks fit, shall fix the reasonable price of the land which shall be the average of the prices obtaining for similar lands in the locality during the ten years immediately preceding the date on which the application is made.
- (3) The tenant shall deposit with the competent authority the amount of the price determined under sub-section (2) within such period as may be prescribed.
- (4) On deposit of the entire amount of the reasonable price, the competent authority shall issue a certificate in the prescribed form to the tenant declaring him to be the purchaser of the land and shall also direct that the reasonable price deposited shall be paid to the land-owner,

- (5) If a tenant does not exercise the right of purchase in response to the notice given to him by the land-owner under sub-section (1) or fails to deposit the amount of the price as required by sub-section (3), the tenant shall forfeit his right of purchase, and the land-owner shall be entitled to sell the land to any other person.
- (6) The forfeiture of the right to purchase any land under this section shall not affect the other rights of the tenant in such land.

Landowner may demand surrender of land for house building. 96. A land-owner who is not in possession of any land or is in possession of land measuring less than one hundred and twenty square metres and who needs the holding for the purpose of constructing a hut or a building bona fide for his own residence or the residence of a member of his family, may demand surrender from his tenant of so much of his holding as will make the land-owner's holding one hundred and twenty square metres in extent for the above purpose:

Provided that the tenant shall not be liable to surrender any portion of his holding if on account of such surrender the extent of his holding will be reduced to less than one hundred and twenty square metres.

Transfer of ownership of land to tenant.

- 97. (1) A tenant who enjoys fixity of tenure under section 86 may, on an application made in this behalf to the competent authority, purchase the land on payment of a price to be determined by the competent authority.
- (2) The price payable by a tenant to a land-owner for purchase of land under sub-section (1) shall be—
 - (a) ten times the rent in respect of the land; and
 - (b) the value of structures and wells or tanks constructed thereon by the land-owner at his own expense.
- (3) The purchase price shall be payable in such instalments not exceeding ten as may be determined by the competent authority.

Right to lease.

- 98. (1) Subject to the provisions of this Regulation, a land-owner may lease out his land to another person on such rent not exceeding the maximum rent specified in section 104, as may be agreed upon between him and such person.
- (2) Every lease of land made after the commencement of this Regulation shall be for a period of five years and at the end of the said period, and thereafter at the end of every such period of five years, the tenancy shall, subject to the provisions of sub-section (3), be deemed to be renewed for a further period of five years on the

same terms and conditions except to the extent that a modification thereof consistent with this Regulation is agreed to by both parties.

(3) In respect of any lease made after the commencement of this Regulation, a land-owner who is a member of the Armed Forces of the Union, on his discharge from service or posting to the reserve, may by giving the tenant three months' notice in writing before the expiry of any year, and any other land-owner may by giving the tenant one year's notice in writing before the expiry of any term of five years, terminate the tenancy if the land-owner requires the land bona fide for personal cultivation by him.

CHAPTER X

RIGHTS AND LIABILITIES OF KUDIYAN

- 99. (1) No kudiyan shall be liable to be evicted from his kudi Kudiyan to have fixity. except on the following grounds, namely:—
 - (i) that he has alienated his rights in the kudi to another person;
 - (ii) that he has rented or leased out his kudi to another person;
 - (iii) that he has ceased to reside in the kudi continuously for a period of two years; or
 - (iv) that he has another kudi or has obtained ownership and possession of land which is fit for erecting a homestead.

Explanation.—For the purposes of this sub-section, a kudiyan shall not be deemed to have ceased to reside in a kudi, notwithstanding the fact that he was not actually residing therein, if any of his near relatives who was residing with him in the kudi for a continuous period of not less than one year continues to reside in the kudi and in such a case the near relative who continues to reside in the kudi shall be liable for the rent payable by the kudiyan; and "near relative" shall mean husband or wife, children, grand children, father, mother, brother or sister.

(2) Notwithstanding anything contained in sub-section (1), the land-owner of the land on which there is a homestead or hut in the occupation of a kudiyan may, if he bona fide requires the land for building purposes for himself or any member of his family or if he considers that the kudi is so located as to cause inconvenience to him, with the prior approval of the competent authority, require

the kudiyan, to shift to a new site belonging to the land-owner, subject to the following conditions, namely:—

- (i) the land-owner shall pay to the kudiyan the price of the homestead, if any, erected by the kudiyan;
- (ii) the new site shall be fit for erecting a homestead and shall be within a distance of one mile from the existing kudi;
- (iii) the extent of the new site shall not be less than the extent of the existing kudi, subject to a minimum of one hundred and twenty square metres; and
- (iv) the land-owner shall transfer possession of the new site to the kudiyan and shall pay to him the reasonable cost of shifting the kudi to the new site.
- (3) Where the above conditions are complied with, the kudiyan shall be bound to shift to the new site.

Explanation.—In this section, "family" means wife or husband, and sons and daughters.

Rent payable by kudiyan.

- 100. (1) All arrears of rent, if any, payable, by a kudiyan on the date of the commencement of this Regulation whether the same be payable under any law, custom, usage or contract or under a decree or order of court, shall be deemed to be fully discharged if he pays one year's rent or the actual amount in arrears, whichever is less.
- (2) On and after the commencement of this Regulation, notwithstanding any contract, decree or order of court, a kudiyan shall not be required to pay more than six rupees yearly as rent in respect of his kudi:

Provided that a kudiyan who was not liable to pay any rent in respect of his kudi immediately before the commencement of this Regulation shall not be liable to pay any rent; nor shall a kudiyan be liable to pay any rent in excess of that which he was paying before the commencement of this Regulation.

Right of kudiyan to be heritable but not alienable. 101. The rights of a kudiyan in the kudi shall be heritable, but not transferable except to the wife or husband or any unmarried minor child of such kudiyan.

Right of kudiyan to maints n, repair, etc., nomestead or hut. 102. The kudiyan shall have the right to maintain, repair and reconstruct with the same or different materials, but without increasing the plinth area, the hut belonging to the person who permitted the occupation by the kudiyan, or the homestead, at his own cost.

- 103. (1) The Administrator shall cause a register of kudiyans to Register of kudiyans. be prepared and maintained in each village.
 - (2) The register shall show—
 - (a) the description of the land in which the kudi is situate;
 - (b) the location of the kudi and its extent;
 - (c) the name of the land-owner and of the person in possession of the land in which the kudi is situate:
 - (d) the name and address of the kudiyan; and
 - (e) such other particulars as may be prescribed.
- (3) The register shall be prepared and maintained by such officer and in such manner as may be prescribed.
- (4) The competent authority shall, before the preparation of the register, publish a notice in the village inviting applications from kudiyans for registration, to be presented before such date as may be specified in the notice.
- (5) On receipt of an application within the time specified in the notice or within such further time as may be allowed by him, the competent authority shall, after enquiry and after giving an opportunity to the person in possession of the land to be heard, register the kudiyan or reject the application.

CHAPTER XI

RENT

- 104. The rent payable by a tenant in respect of any land held Maximum by him shall not exceed—
 - (a) where the rent is payable in kind as a share of the produce, one-fourth of the produce of such land or its value estimated in the prescribed manner;
 - (b) in any other case, four times the land revenue payable in respect of the land.

Explanation.—If no land revenue is payable in respect of the land, the rent shall be computed for the purposes of clause (b) at the rate applicable to similar pandaram land.

105. (1) The rent payable by a tenant shall, subject to the provi-Payment of sions of section 104, be the rent agreed upon between him and the rent. land-owner or where there is no such agreement, the reasonable rent.

(2) The rent shall be paid at such times and in such manner as may be agreed upon between the parties or in the absence of such agreement, as may be prescribed.

Reasonable rent.

- 106. (1) The competent authority may, on an application made to it in this behalf by the land-owner or the tenant, determine the reasonable rent for any land.
- (2) The form of application under sub-section (1) and the procedure to be followed by the competent authority shall be such as may be prescribed.
- (3) In determining the reasonable rent, the competent authority shall have regard to—
 - (a) the rental value of lands used for similar purposes in the locality:
 - (b) the profits of agriculture in the case of similar lands in the locality:
 - (c) the price of crops and commodities in the locality;
 - (d) the improvements, if any, made to the land by the land-owner or the tenant;
 - (e) the land revenue payable in respect of the land; and
 - (f) any other factor which may be prescribed.
- (4) Where the reasonable rent for any land has been determined under this section, it shall not be altered for a period of five years except on any of the following grounds, namely:—
 - (a) that the quality of the land has deteriorated by natural causes;
 - (b) that there has been an increase in the produce of the land on account of improvements made to it at the expense of the land-owner;
 - (c) that the extent of the land has been altered by more than one hundred square metres by diluvion;
 - (d) that the land has been partially or wholly rendered unfit for cultivation.
- (5) Notwithstanding anything contained in sub-sections (1) to (4), the Administrator may direct the determination of the reasonable rent of lands in any specified area.

Commutation of rent payable In kind. 107. (1) In any case in which rent is payable in kind, the land-owner or the tenant may apply in writing to the competent authority in the prescribed form and manner, for commuting the rent into money rent.

- (2) On receipt of such application, the competent authority shall, after giving notice to the other party, determine the money rent payable for the land in accordance with the following provisions but not exceeding the maximum rent specified in section 104.
 - (3) In determining the money rent, regard shall be had to—
 - (a) the average money rent payable by a tenant for land of similar description and with similar advantages in the vicinity;
 - (b) the average value of the rent for the land actually received by the land-owner during the three years preceding the date of application;
 - (c) the average price of crops and commodities in the locality during the three years preceding the date of application;
 - (d) the improvements, if any, made to the land by the landowner or the tenant; and
 - (e) any other factor which may be prescribed.
 - 108. Every land-owner shall give or cause to be given a receipt Receipt for for the rent received by him or on his behalf in such form as may payment of be prescribed, duly signed by him or his authorised agent.

109. If any land-owner recovers from a tenant or kudiyan rent Refund of in excess of the amount due under this Regulation, he shall forthwith rent recoverrefund the excess amount so recovered and shall also be liable to excess, punishment as provided in this Regulation.

110. (1) Where a land-owner has obtained from, or been granted by, the Administrator any relief by way of suspension or remission, or remiswhether in whole or in part, of the land revenue payable in respect the of rem. of his land, he shall be bound to give, and the tenant concerned shall be entitled to receive from the land-owner, a corresponding or proportionate relief by way of suspension or remission of rent payable in respect of such land.

- (2) The nature and extent of the relief which a land-owner is bound to give and which the tenant is entitled to receive under sub-section (1) shall be determined in accordance with the rules made under this Regulation.
- (3) No suit shall lie and no decree of a civil court shall be executed for the recovery by a land-owner of any rent the payment of which has been remitted, or during the period f payment of such rent has been suspended, under this section. 386 G of I Ex-5.

- (4) The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation for any suit or proceeding for the recovery of such rent.
- (5) If any land-owner fails to suspend or remit the payment of rent as provided in sub-section (1), he shall be liable to refund to the tenant the amount recovered by him in contravention of the provisions of this section and shall also be liable to punishment as provided in this Regulation.

CHAPTER XII

GENERAL AND MISCELLANEOUS

Recovery of amounts due as arrears of land revenue.

111. Without prejudice to any other provision of this Regulation, any amount due to the Government, whether by way of costs, penalty or otherwise, and any other amount which is ordered to be paid to or recovered by the Government, under this Regulation shall be recoverable in the same manner as an arrear of land revenue.

Jurisdiction of civil courts excluded.

112. No suit or other proceeding shall, unless otherwise expressly provided in this Regulation, lie or be instituted in any civil court with respect to any matter arising under and provided for by this Regulation:

Provided that if in a dispute between parties other than Government a question of title is involved, a civil suit may be brought for the adjudication of such question.

Court-fees.

113. Notwithstanding anything contained in the Court-fees Act, 1870, or any other law relating to the levy of court-fees in force in 7 of 1870. the Islands, every application, appeal or other proceeding under this Regulation shall bear a court-fee stamp of such value as may be prescribed.

Revenue officers to be public servants.

114. Every revenue officer appointed under this Regulation shall be deemed to be a public servant within the meaning of section 21 45 of 1860, of the Indian Penal Code.

Power to exempt.

115. With the previous approval of the Government, the Administrator may, by notification in the Official Gazette, exempt any class of lands from all or any of the provisions of this Regulation.

General provision as to penalties.

116. Whenever contravenes any provision of this Regulation for which no penalty has been otherwise provided for therein shall be punishable with fine which may extend to five hundred rupees.

117. No suit, prosecution or other proceeding shall lie-

Protection of action good faith.

- (a) against any officer of the Government for anything in taken in good faith done or intended to be done under this Regulation;
- (b) against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything in good faith done or intended to be done under this Regulation.
- 118. The Administrator may, by notification in the Official Gazette Delegation and subject to such restrictions and conditions as may be specified of powers. therein, delegate to any officer or authority subordinate to him any of the powers conferred on him or on any officer subordinate to him by this Regulation, other than the power to make rules.
- 119. If any difficulty arises in giving effect to any provision of Power to this Regulation, the Government may, as occasion requires, take difficulties, any action not inconsistent with the provisions of this Regulation which may appear to it necessary for the purpose of removing the difficulty.

16of 1963.

120. Notwithstanding anything contained in the Indian Limitation Exclusion Act, 1963 or any other law for the time being in force in the Islands monsoon or in this Regulation, if any period of limitation prescribed by the period from the period said Act or by such law or by this Regulation for any suit, appeal of limitation. or application expires on any day during the monsoon period, then in computing the period of limitation for such suit, appeal or application, the period to the extent it has fallen within the monsoon period, shall be excluded.

- 121. (1) The Administrator may, by notification in the Official Power to Gazette, make rules for carrying out the purposes of this Regulation. make rules.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-
 - (a) the manner of appointment of revenue officers and settlement officers, and other officers, their powers and duties, the official seals, if any, to be used by them and the size and description of the seals;
 - (b) the Collector's powers of superintendence and control over other officers:
 - (c) the officers who should hear and decide disputes regarding rights in or over any property claimed by or against the Government and the procedure to be followed by them:

- (d) the disposal of pandaram lands by assignment or grant to individuals and the terms and conditions subject to which such assignments or grants may be made;
- (e) the preservation and disposal of trees, brushwood, jungle and other natural products vesting in Government and the recovery of the value of trees or other natural products unauthorisedly appropriated by persons;
- (f) the procedure for summary eviction of trespassers on pandaram land;
- (g) the alteration and revision of the land revenue in cases of diluvion or of diversion of land for purposes other than agriculture;
- (h) the grant of permission to use agricultural land for nonagricultural purposes;
- (i) the determination of additional assessment for improvement:
- (j) the circumstances in which remission or suspension of revenue may be made and the rate of such remission or suspension;
 - (k) the form of receipt for payment of land revenue;
 - (l) the conduct of settlements of land revenue;
- (m) the manner of estimating the cost of cultivation and other expenses in relation to inquiry into profits of agriculture;
- (n) the statistical, fiscal and other records and registers to be prepared and maintained under this Regulation;
- (o) the division of areas into units for determining the revenue-rates and the preparation of the table of revenue-rates;
- (p) the preparation and the preliminary and final publication of the record of rights and the table of revenue-rates;
- (q) the hearing and disposal of objections to any entry or omission in the table of revenue-rates, the record of rights, and the register of mutations;
- (r) the manner and extent of alteration or revision of revenue-rates during the term of settlement;

- (8) the correction of bona fide errors and mistakes in the revenue records, registers and maps prepared under this Regulation;
- (t) the manner in which the average yield of crops of land may be ascertained;
- (u) the manner of holding inquiries by revenue officers under this Regulation;
- (v) the application of the provisions of the Code of Civil Procedure, 1908, to cases and proceedings before a revenue court;
- (w) the form of summons and other processes, notices, orders and proclamations to be issued or made by revenue officers and the manner of their service;
- (x) the procedure for the attachment and sale of property and the confirmation and the setting aside of sales of immovable property;
- (y) the manner of publication of notices and proclamations of attachment and sale of property;
- (z) the manner in which the ost and experses incidental to the attachment and sale of property shall be determined;
 - (2a) the manner of payn deposit and or the purchase r of ty of

≤ of 1908.

- (2g) the form of applications to be made under this Regulation, the authorities to whom they may be made and the procedure to be followed by such authorities in disposing of the applications;
- (zh) the determination of the value of the produce of land, the profits of agriculture, and the rental values of land;
 - (zi) the time and manner of payment of rent by the tenant;
- (zj) the form of receipt for rent to be given by the landowner;
- (zk) the factors to be taken into account in determining reasonable rent for land and in commuting rent in kind into money rent;
- (zl) the nature and the extent of relief to the tenant in cases of suspension or remission of land revenue by the Government;
- (zm) the determination of compensation for improvements to tenants who are evicted from land;
 - (zn) the grant of permission to surrender land;
- (20) the determination f the amount of compeable to the land-owner in sect of the non-resumable lands of tenants;

122. Any custom or usage prevailing at the time any provision of Regulation this Regulation is brought into force in any area in the Islands having the force of law therein shall, if such custom or usage is re-usage. pugnant to, or inconsistent with, such provision, cease to be operative to the extent of such repugnancy or inconsistency.

and custom or

S. RADHAKRISHNAN, President.

R. C. S. SARKAR, Secy. to the Govt. of India.



असाधारण

EXTRAORDINARY

भाग II ... खण्ड-1

PART II-Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं ० 24] नई विल्ली, बुभवार, सितम्बर १, १९६५/भाजा १०, १८८७ No. 24] NEW DELHI, WEDNESDAY, SEPTEMBER 1, 1965/BHADRA 10, 1887

इस भाग में भिन्न पृष्ठ संस्था दी जाती हैं जिससे कि यह अलग संकलम के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 1st September, 1965/Bhadra 10, 1887 (Saka)

THE NORTH-EAST FRONTIER AGENCY (ADMINISTRATION) REGULATION, 1965

No. 7 of 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

A Regulation to make further provision for the administration of the North-East Frontier Agency and for certain matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth

M 9 NOY

Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him: --

Short title and com-

- 1. (1) This Regulation may be called the North-East Frontier mencement Agency (Administration) Regulation, 1965.
 - (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

- 2. In this Regulation,—
- (a) "Division" means any of the Frontier Divisions referred to in section 2 of the North-East Frontier Areas (Administration) Regulation, 1954;
- (b) "existing law" means any law, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in India or any part thereof;
- (c) "North-East Frontier Agency" shall have the meaning assigned to it in the North-East Frontier Areas (Administration) Regulation, 1954.

1 of 1954.

I of 1954,

Change of names of administrative units of the North-East Frontier Agency.

3. On and from the commencement of this Regulation, each of the Divisions of the North-East Frontier Agency specified in column 1 of the Table below shall be known by the name mentioned in the entry corresponding thereto in column 2 thereof.

TABLE

Existing name of Division	New name	
1	2	
Kameng Frontier Division	Kameng District	
Subansiri Frontier Division	Subansiri District	
Siang Frontier Division	Siang District	
Lohit Frontier Division	Lohit District	
Tirap Frontier Division	Tirap District	

Construction of certain references in existing laws.

4. Any reference in any existing law to any of the Divisions specified in column 1 of the Table annexed to section 3 shall be construed as a reference to the District specified in the entry corresponding thereto in column 2 of the said Table.

5. Whenever an expression mentioned in column 1 of the Table Amendbelow occurs in any existing law as applicable to the North-East ment of existing Frontier Agency, there shall be substituted therefor the expression laws, set opposite to it in column 2 of the said Table, and there shall also be made in any sentence in which the expression occurs such consequential amendments as the rules of grammar may require.

TABLE

11	2		
Political Officer	Deputy Commissioner		
Additional Political Officer	Additional Deputy Commissioner		
Assistant Political Officer	Assistant Commissioner		

S. RADHAKRISHNAN, President.

R. C. S. SARKAR, Secy. to the Govt. of India.



असाधारण

EXTRAORDINARY

भाग II_ज्यच्य-1

PART II—Section 1 अधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

नई बिल्ली, शक्रवार, दिसम्बर 31, 1965/पीच 10, 1887 नं• 55ो

No. 55] NEW DELHI, FRIDAY, DECEMBER 31, 1965/PAUSA 10, 1887

इन्ह भाग में भिष्ण पुन्न बंदम्या पी जानी हैं जिससे कि यह अलग संकलन को रूप में रखा जा सकी। Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 31st December, 1965/Pausa 10, 1887 (Saka)

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (LAWS) REGULATION, 1965

No. 8 of 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

A Regulation to extend certain laws to the Union territory of the Laccadive, Minicov and Amindivi Islands and to provide for matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

- 1. (1) This Regulation may be called the Laccadive, Minicoy and Short Amindivi Islands (Laws) Regulation, 1965.
- (2) It extends to the whole of the Union territory of the Laccadive commence-Minicoy and Amindivi Islands.

title. extent and ment.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

- 2. In this Regulation, unless the context otherwise requires,—
 - (a) "Act" means an Act or Ordinance specified in the Schedule;
 - (b) "Administrator" means the Administrator Islands appointed by the President under article 239 of the Constitution;
 - (c) "Islands" means the Union territory of the Laccadive, Minicoy and Amindivi Islands.

CHAPTER II

EXTENSION OF LAWS AND REPEAL

Extension of certain laws to the Islands and their comtherein.

- **3.** (1) The Acts, as they are generally in force in the territories to which they extend, shall extend to the Islands, subject to the modifications, if any, specified in the Schedule.
- (2) Notwithstanding anything contained in sub-section (1) or in mencement the relevant provision, if any, of each such Act with regard to the commencement thereof, the provisions of the General Clauses Act, 1897, shall come into force in the Islands at once and the provisions of 10 of 1897. each of the other Acts shall come into force in the Islands on such date as the Administrator may, by notification in the Official Gazette of the Islands, appoint:

Provided that different dates may be appointed for different provisions of any Act and for different areas and any reference in any such provision to the commencement of the Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

Repeal and saving.

- **4.** (1) Any law in force in the Islands or any area thereof corresponding to any Act referred to in section 3 or any part thereof shall stand repealed as from the coming into force of such Act or part in the Islands or such area, as the case may be.
- (2) As from the date of coming into force of the Code of Criminal Procedure, 1898, in the Islands, section 2 [except the definition of 5 of 1898. "amin" in clause (ii-a)], the proviso to sub-section (1) and sub-section (2) of section 8, sections 9 to 20 (both inclusive) and sections 34 and 35 of the Laccadive Islands and Minicoy Regulation, 1912, shall stand 1 of 1912. repealed and as from the date of coming into force of the Code of Civil Procedure, 1908, in the Islands, Chapter IV (relating to Civil 5 of 1908. Justice) of the said Regulation shall stand repealed.
- (3) Section 33 of the Laccadive Islands and Minicoy Regulation. 1912, and the Amindivi Islands (Restrictions on Entry and Residence) 1 of 1912. Regulation, 1949, shall stand repealed as from the commencement Mad. Reg. of this Regulation. 4 of 1949.
- (4) Nothing in sub-section (1), sub-section (2) or sub-section (3) shall affect—
 - (a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

- (b) any right, privilege, obligation or liability accrued or incurred under any law so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made:

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, patent, permit or licence granted, or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act extended to the Islands by this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

5. (1) All rules, notifications, orders, regulations and bye-laws Extenmade or issued by the Central Government under the provisions of sion of any Act generally for the territories to which such Act extends shall, orders, etc., as from the commencement of the provisions of such Act in the under cer-Islands, extend to, and come into force in, the Islands.

(2) Notwithstanding anything contained in sub-section (1), no rule, notification, order, regulation or bye-law made or issued by the Central Government under the following Acts, namely:—

4 of 1884.

(i) The Indian Explosives Act, 1884,

(ii) The Petroleum Act, 1934,

30 of 1934. 7 of 1947.

(iii) The Foreign Exchange Regulation Act, 1947,

18 of 1947.

(iv) The Imports and Exports (Control) Act, 1947,

shall extend to, and come into force in, the Islands unless the Central Government, by notification in the Official Gazette, otherwise directs.

6. (1) In any Act or in any of the rules, notifications, orders, regu-Rules of lations and bye-laws made or issued thereunder and extended to the construction. Islands by this Regulation,-

(a) any reference to any provision of law not in force, or to any functionary not in existence, in the Islands, shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in the Islands:

Provided that,-

- (i) if any question arises as to who such corresponding functionary is, or
- (ii) if there is no such corresponding functionary, the Administrator shall decide as to who such functionary will be and his decision shall be final;
- (b) any reference to the State Government shall be construed as a reference to the Central Government and, unless the Central Government otherwise directs in any case, also as including a reference to the Administrator;
- (c) until the Code of Criminal Procedure, 1898, is brought 5 of 1898. into force in the Islands and magistrates are appointed thereunder, any reference to a magistrate shall be construed as a reference to such officer as the Administrator may, by notification in the Official Gazette of the Islands, appoint.
- (2) For the purpose of facilitating the application in relation to the Islands of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

Trial of offences.

7. Until the relevant provisions of the Code of Criminal Procedure, 5 of 1898. 1898, are brought into force in the Islands, all offences under any Act shall be investigated, inquired into, tried and otherwise dealt with according to the provisions of the corresponding law in force in the Islands.

Power to remove difficulties.

8. If any difficulty arises in giving effect in the Islands to the provisions of any Act extended to the Islands by this Regulation, the Central Government may, by order published in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty, and any such order may provide for the transfer of any matter pending before any court, tribunal or other authority immediately before the commencement of such Act in the Islands or any part thereof to any corresponding court, tribunal or authority for disposal.

CHAPTER III

MISCELLANEOUS

- 9. (1) The Administrator may, with the previous sanction of the Power of Central Government, make rules imposing reasonable restrictions in the interests of the general public or for the protection of the interests of any Scheduled Tribe, on the right of any person, who is persons not a native of the Islands, to visit or reside in the Islands.
- Administrator to prohibit from visiting ing in the

if ordered

- (2) The rules made under sub-section (1) may provide that any or residcontravention of any of the provisions of the rules shall be punishable lislands. with imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.
- 10. Whoever, when ordered by the Tehsildar or by any other officer Persons empowered in this behalf by the Administrator, fails to report the to assist unauthorised entry or escape from the Islands of any person or to do so foreign national, shall be punishable with fine which may extend to ten rupees.

THE SCHEDULE [See section 3(1)]

Year	No.	Short title	Modifictions
I	2	3	4
838	19	The Coasting-Vessels Act, 1838.	
1850	18	The Judicial Officers Protection Act, 1850.	
1835	13	The Indian Fatal Accidents Act, 1855.	
1857	13	The Opium Act, 1857.	
1860	21	The Societies Registration Act, 1860.	
1860	45	The Indian Penal Code.	
1861	5	The Police Act, 1861.	
1870	7	The Court-fees Act, 1870.	
1871	I	The Cattle-trespass Act, 1871.	
1871	23	The Pensions Act, 1871.	
1872	I	The Indian Evidence Act, 1872.	
1872	, 9	The Indian Contract Act, 1872.	

Year	No.	Short title	Modifications
I	2	3	4
1873	5	The Government Savings Banks Act, 1873.	
1873	10	The Indian Oaths Act, 1873.	
1875	ٔ و	The Indian Majority Act, 1875.	
1875	18	The Indian Law Reports Act, 1875.	
1878	1	The Opium Act, 1878.	
1878	6	The Indian Treasure-trove Act, 1878.	In section 4, for "and either deposit the treasure in the nearest Government treasury, for give the Collector such security as the Collector thinks fit, to produce the treasure at such time and place as he may from time to time require", substitute "and deposit the treasure with the Tehsildar of the Union territory of the Laccadive, Minicoy and Amindivi Islands or any part thereof for being deposited in the Government Treasury".
1880	13	The Vaccination Act, 1880.	
1881	16	The Obstructions in Fairways Act, 1881.	After the words, figures and letters "in the territories which, immediately before the 1st November, 1956, were comprised in Part A States and Part C States", wherever they occur, insert "or in the Union territory of the Laccadive, Minicoy and Amindivi Islands".
1881	26	The Negotiable Instruments Act, 1881.	
1882	4	The Transfer of Property Act, 1882.	
1882	7	The Powers-of-Attorney Act, 1882.	
1883	19	The Land Improvement Loans Act, 1883.	
1884	4	The Indian Explosives Act, 1884.	
1884	12	The Agriculturists' Loans Act, 1884.	

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Year	No.	Short title	Modifications
I	2	3	4
1885	13	The Indian Telegraph Act, 1885.	
1887	7	The Suits Valuation Act, 1887.	
1887	9	The Provincial Small Cause Courts Act, 1887.	
1888	3	The Police Act, 1888.	
1888	4	The Indian Reserve Forces Act, 1888.	
1890	1	The Revenue Recovery Act, 1890.	
1890	6	The Charitable Endowments Act, 1890.	
1890	8	The Guardians and Wards Act, 1890.	
1891	18	The Bankers' Books Evidence Act, 1891.	
1894	I	The Land Acquisition Act, 1894.	
1894	9	The Prisons Act, 1894.	
1897	3	The Epidemic Diseases Act, 1897.	
1897	4	The Indian Fisheries Act, 1897.	
1897	10	The General Clauses Act, 1897.	
1898	3	The Lepers Act, 1898.	
1898	5	The Code of Criminal Procedure, 1898.	I. In Part V, after section 176, insert—
			'176A. Power of Amin to investigate into certain offences.—(x) Notwithstanding anything contained in this Code, where any cognizable offence triable by a Magistrate of the third class is committed in any area within the local limits of the jurisdiction of an Amin and no police-station is located within a reasonable distance from the place of commission of such offence, the Amin may investigate into such offence and for the purposes of such investigation, the Amin shall have all the powres

Year	No.	Short title	Modifications
x	2	3	4
			conferred and duties im posed by this Chapter on a officer in charge of a police station.
			(2) For conducting an investigation under sub-section (1), the Amin shall be assisted by such number of residents of the Laccadive Minicoy and Amindivi Is lands not exceeding four, at the Administrator of the sai Islands may appoint in this behalf.
			Explanation.—In this section, "Amin" means an officer appointed by suc Administrator to exercise the powers and discharge the duties of an Amin in an local area."
			2. After section 406A, insert—
			"407. Appeal from ser tence of Magistrate of secon or third class.—(1) Any pe- son convicted on a trial hel by a Magistrate of the secon or third class may appeal t the District Magistrate.
			(2) The District Magis trate may direct that an appeal under this section of any class of such appeal shall be heard by any Magis trate of the first class subordinate to him and empowered by the Stat Government to hear such appeals, and thereupon such appeal or class of appeal may be presented to such Magistrate, or, if alread presented to the District Magistrate, may be transferred to such Magistrate The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented transferred.".
			3. In section 408, for the word "or any other Magistrate" the words "or other Magis trate of the first class shall be substituted.

Year	No.	Short title	Modifications
1	2	3	4
			4. For section 409, substitute-
			"409. Appeals to Court of Session how heard.—An appeal to the Court of Session of Sessions Judge shall be heard by the Sessions Judge or by an Additional Sessions Judge:
			Provided that an Additional Sessions Judge shall hear only such appeals as the State Government may, by general or special order, direct or as the Sessiona Judge of the division may make over to him.".
1898	6	The Indian Post Office Act, 1898.	
1899	2	The Indian Stamp Act, 1899	In Schedule I, omit entry 30.
19∞	3	The Prisoners Act, 1900.	
1901	2	The Indian Tolls (Army and Air Force) Act, 1901.	
1906	3	The Indian Coinage Act, 1906.	
1908	5	The Code of Civil Procedure, 1908.	In the proviso to sub-section (3) of section 1, omit the words "the Amindivi Islands and".
1908	6	The Explosive Substances Act, 1908.	
1908	15	The Indian Ports Act, 1908.	
1908	16	The Indian Registration Act, 1908.	
1911	2	The Indian Patents and Designs Act, 1911.	
1912	4	The Indian Lunacy Act, 1912.	
1912	8	The Wild Birds and Animals Protection Act, 1912.	
1917	5	The Destruction of Records Act, 1917.	
1919	12	The Poisons Act, 1919.	
1920	5	The Provincial Insolvency Act, 1920.	
1920	15	The Indian Red Cross Society Act, 1920.	

Year	No. 2	Short title	Modifications 4
1920	33	The Identification of Prisoners Act, 1920.	
1920	34	The Indian Passport Act, 1920.	
1922	7	The Emigration Act, 1922.	
1922	22	The Police (Incitement to Disaffection) Act, 1922.	
1923	5	The Indian Boilers Act, 1923.	
1923	8	The Workmen's Compensation Act, 1923.	
1923	19	The Indian Official Secrets Act, 1923.	
1925	4	The Indian Soldiers (Litigation) Act, 1925.	1
1925	1,9	The Provident Funds Act, 1925.	1
1925	26	The Indian Carriage of Goods by Sea Act, 1925.	
1926	16	The Trade Unions Act, 1926.	
1927	16	The Indian Forest Act, 1927.	
1927	17	The Indian Lighthouse Act, 1927.	
1929	19	The Child Marriage Restraint Act, 1929.	
1930	2	The Dangerous Drugs Act, 1930.	
1930	3	The Sale of Goods Act, 1930.	
1931	16	The Provisional Collection of Taxes Act, 1931.	
1932	9	The Indian Partnership Act, 1932.	In section 1, for sub-section (3), substitute—
			"(3) It shall come into force at once except section

Year	No.	Short title	Modifications
I	2	3	4
			69, which shall come into force on the expiry of a period of one year from the date of commencement of the rest of this Act.".
1933	17	The Indian Wireless Telegraphy Act, 1933.	
£934	2	The Reserve Bank of India Act, 1934.	
⁷ 934	20	The Indian Carriage by Air Act, 1934.	
¹τ934	22	The Aircraft Act, 1934.	
′τ934	30	The Petroleum Act, 1934.	
1934	32	The Indian Tariff Act, 1934.	
1936	4	The Payment of Wages Act, 1936.	
1937	26	The Muslim Personal Law (Shariat) Application Act, 1937.	
1938	4	The Insurance Act, 1938.	
1938	5	The Manoeuvres, Field Firing and Artillery Practice Act, 1938.	
1938	20	The Criminal Law Amendment Act, 1938.	
1938	26	The Employment of Children Act, 1938.	
1939	16	The Registration of Foreigners Act, 1939.	
1940	10	The Arbitration Act, 1940.	
1940	23	The Drugs and Cosmetics Act, 1940.	
1941	11	The Essential Services (Maintenance) Ordinance, 1941.	
1942	6	The Multi-unit Co-operative Societies Act, 1942.	
1942	18	The Weekly Holidays Act,	
1944	ı	The Central Excises and Salt Act, 1944.	

Year	No.	Short title	Modifications
ı	2	3	· 4
1944	,18	The Public Debt Act, 1944.	
1944	38	The Criminal Law Amendment Ordinance, 1944.	
1945		The International Monetary Fund and Bank Act, 1945.	
1946	20	The Industrial Employment (Standing Orders) Act, 1946.	
1946	25	The Delhi Special Police Es- tablishment Act, 1946.	
1946	31	The Foreigners Act, 1946.	
1947	2	The Prevention of Corruption Act, 1947.	
1947	7	The Foreign Exchange Regula- tion Act, 1947.	
1947	14	The Industrial Disputes Act, 1947.	
1947	15	The Armed Forces (Emergency Duties) Act, 1947.	
1947	18	The Imports and Exports (Control) Act, 1947.	
1947	29	The Capital Issues (Control) Act, 1947.	
1947	31	The Antiquities (Export Control) Act, 1947.	
1948	8	The Pharmacy Act, 1948.	
1948	9	The Dock Workers (Regulation of Employment) Act, 1948.	
1948	11	The Minimum Wages Act, 1948.	
1948	15	The Industrial Finance Corporation Act, 1948.	
1948	31	The National Cadet Corps Act, 1948.	
1948	37	The Census Act, 1948.	
1948	56	The Territorial Army Act, 1948.	
1948	63	The Factories Act, 1948.	
1949	8	The Seaward Artillery Practice Act, 1949.	

Year	No.	Short title	Modifications
1	2	3	4
1949	10	The Banking Companies Act, 1949.	
1949	38	The Chartered Accountants Act, 1949.	
1949	46	The Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949.	
1949	64	The Police Act, 1949.	

S. RADHAKRISHNAN,

President.

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (CIVIL COURTS) REGULATION, 1965

No. 9 of 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

A Regulation to provide for the constitution of certain civil courts for the Union territory of the Laccadive, Minicoy and Amindivi Islands and for other matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I PRELIMINARY

1. (1) This Regulation may be called the Laccadive, Minicoy and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and Short title, e and so are considered to the Laccadive and so are considered to the Laccadive and the Laccadive a

Short title, extent and commencement.

Definitions.

- (2) It extends to the whole of the Union territory of the Laccadive, Minicoy and Amindivi Islands.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. In this Regulation, unless the context otherwise requires,—

(a) "Administrator" means the Administrator of the Islands appointed by the President under article 239 of the Constitution;

- (b) "civil courts" means the civil courts referred to in section 3:
- (c) "district court" means the court of the district judge and include, the court of the additional district judge;
- (d) "High Court" means the High Court exercising jurisdiction in the Islands;
- (e) "Islands" means the Union territory of the Laccadive, Minicoy and Amindivi Islands.

CHAPTER II

CONSTITUTION OF CIVIL COURTS

Classes of civil courts.

- 3. As from the date of commencement of this Regulation, there shall be the following classes of civil courts for the Islands (which shall be a district for the purposes of this Regulation), namely:—
 - (i) the district court:
 - (ii) the court of a subordinate judge;
 - (ili) the court of a munsiff.

District judges and additional district judges.

- 4. (1) The district judge shall be appointed by the Central Government after consultation with the High Court.
- (2) When the business pending before the court of the district judge requires the aid of an additional district judge for its speedy disposal, the Central Government may, after consultation with the High Court, appoint such number of additional district judges as may be necessary.
- (3) The additional district judges so appointed shall discharge any of the functions of the district judge which the district judge may assign to them and in the discharge of those functions they shall exercise the same powers as the district judge.
- (4) Nothing in this section shall be deemed to preclude the appointment of any district judge or additional district judge exercising jurisdiction in the State of Kerala as the district judge, or as the case may be, an additional district judge under this Regulation.

Subordinate judges and munsiffs.

- 5. The Administrator may, after consultation with the High Court,---
 - (i) make rules as to the qualifications of officers in the Islands and other persons who may be appointed as subordinate judges and munsiffs;
 - (ii) appoint as many persons as he thinks necessary to be subordinate judges and munsiffs.

6. (1) The Administrator may, by notification in the Official Power to Gazette of the Islands, fix or alter the local limits of the jurisdiction fix local limits of of the courts of subordinate judges and munsiffs under Regulation.

this jurisdiction of courts

- (2) If the same local jurisdiction is assigned to two or more subordinate judges or two or more munsiffs, the district judge may assign to each of them such civil business cognizable by the subordinate judge or munsiff, as the case may be, as, subject to any general or special order of the High Court, he thinks fit.
- (3) When the civil business arising within any local area is assigned by the district judge under sub-section (2) to one of two or more subordinate judges or munsiffs, the decree or order passed by the subordinate judge or munsiff shall not be invalid by reason only of the case in which it was made having arisen wholly or in part in a place beyond the local area, if that place is within the local limits fixed by the Administrator under sub-section (1).
- 7. (1) The Central Government may, by notification in the Official Place of Gazette, fix the place or places at which any civil court is to be courts. held.
- (2) The place or places so fixed may be within or outside the territorial limits of the Islands.
- 8. (1) Subject to such orders as may be made by the Central Gov. Vacation ernment, the High Court shall prepare a list of days to be observed of courts. in each year as closed holidays in the civil courts.

(2) The list shall be published in the Official Gazette of the Islands.

- (3) A judicial act done by a civil court on a day specified in the list shall not be invalid by reason only of its having been done on that date.
- 9. Every civil court shall use a seal of such form and dimensions Seals of as may be prescribed by the Central Government.
- 10. (I) Where any civil court has from any cause ceased to have Continujurisdiction with respect to any case, any proceeding in relation to that case which, if that court had not ceased to have jurisdiction, of courts might have been had therein, may be had in the court to which the have jurisbusiness of the former court has been transferred
- (2) Nothing in this section applies to cases for which provision is made in any other enactment for the time being in force.

proceedings ceasing to

diction.

courts.

Temporary charge of office of district judge.

11. (1) The Central Government may, by a general or special order published in the Official Gazette, authorise any additional district judge or subordinate judge to assume, without relinquishing his ordinary duties, charge of the office of the district judge in the event of the death, resignation or removal of the district judge or of his being incapacitated by illness or otherwise for the performance of his duties or of his absence from the place at which the court is held:

Provided that nothing herein contained shall be deemed to preclude the Central Government from so authorising any additional district judge or subordinate judge in the State of Kerala.

- (2) The additional district judge or the subordinate judge assuming charge of the office of the district judge under sub-section (1) shall continue in charge thereof until the office is resumed by the district judge or assumed by an officer appointed thereto.
- (3) While in charge of the office of the district judge, the additional district judge or the subordinate judge, as the case may be, may, subject to any rules which the High Court may make in this behalf, exercise any of the powers of the district judge,

CHAPTER III

ORDINARY JURISDICTION OF CIVIL COURTS

Jurisdiction of the district court and of courts of subordinate judges and munsiffs.

12. (1) Save as otherwise provided by any enactment for the time being in force, the district court shall, subject to the provisions of section 15 of the Code of Civil Procedure, 1908, have original juris- 5 of 1908. diction in all civil suits without limit as regards the value.

(2) The jurisdiction in original civil suits as regards the value to be exercised by a subordinate judge or a munsiff shall be determined by the Administrator in such manner as he thinks fit, after consultation with the High Court:

Provided that in no case shall the jurisdiction of a munsiff be without limit.

- (3) Subject to the general superintendence and control of the High Court, the district judge shall have general control over all civil courts, including the establishment thereof and he may give such directions with respect to matters not provided for by law as he may think necessary.
- 13. (1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of a district judge or an additional district judge shall lie to the High Court.

Appeals from district and additional district judges.

- (2) An appeal shall not lie to the High Court from a decree or order of an additional district judge in any case in which, if the decree or order has been made by the district judge, an appeal would not lie to that court.
- 14. (1) Save as otherwise provided by any enactment for the time Appeals being in force, an appeal from a decree or order of a subordinate ordinate judge shall lie-

judges and munsiffa

- (a) to the district judge where the value of the original suit in which or in any proceeding arising out of which, a decree or order was made did not exceed five thousand rupees, and
 - (b) to the High Court in any other case.
- (2) Save as aforesaid, an appeal from a decree or order of a munsiff shall lie to the court of the subordinate judge.
- 15. The Central Government may, by notification in the Official Power to Gazette, confer, within such local limits as it thinks fit, upon any invest subsubordinate judge or munsiff the jurisdiction of a judge of a court judges and of small causes under the Provincial Small Cause Courts Act, 1887 munsiffs with small for the trial of suits, cognizable by such courts, up to such value not cause court exceeding five hundred rupees as it thinks fit and may withdraw any jurisdiction. jurisdiction so conferred:

Provided that the Central Government may, by notification in the Official Gazette, delegate to the High Court its powers under this section.

16. Where in any suit or other proceeding it is necessary for a Certain decivil court to decide any question regarding succession, inheritance, cisions to be accordmarriage, caste or any religious usage or institution, any custom ing to perhaving the force of law, or any personal law, governing the parties or custom. to, or applicable in relation to the properties in issue in, such suit or proceeding shall form the rule of decision except in so far as such custom or personal law has, by legislative enactment, been altered or abolished.

17. (1) A court trying such suit or proceeding as is referred to Procedure in section 16 shall be assisted by four assessors and the court shall in cases involving decide such suit or proceeding after obtaining in such manner as the custom or High Court may, by rule, direct, the opinion of each of the assessors law. separately about the fact in issue:

Provided that where the court disagrees with the opinion of any assessor, it shall record its reasons therefor and decide the suit or

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proceeding in accordance with its own opinion about the fact in issue.

(2) Nothing in this section shall apply to the trial of an appeal or any proceeding connected therewith.

List of assessors.

- 18. (1) The Administrator or such officer as may be appointed by him for the purpose shall, having regard to the provisions of subsection (5) of section 19, prepare and make out a list of persons liable to serve as assessors in each civil court and forward a copy thereof to the presiding officer of such court.
- (2) The list shall be prepared and revised once in every year in such manner as the High Court may, by rules, prescribe.

Assessors how to be summoned and chosen.

- 19. (1) Assessors for any case or proceeding in a court shall be summoned by the presiding officer thereof from the list of assessors of that court in such manner as the High Court may by rule direct.
- (2) The assessors shall be chosen by lot in such manner as the High Court may, by rules, prescribe, from amongst the persons summoned to act as such:

Provided that-

- (a) pending the issue of rules under this section, the practice prevailing in the Islands immediately before the commencement of this Regulation in respect of the choosing of assessors shall be followed:
- (b) in the case of deficiency of persons summoned to act as assessors, the number of assessors required may, with the leave of the court, be chosen from such other persons as may be present.
- (3) As each assessor is chosen, his name shall be called aloud, and upon his appearance, the parties to the suit or proceeding shall be asked if they object to the acceptance of the assessor.
- (4) Objection may then be taken to such assessor by any such party and the grounds of objection shall be stated.
- (5) Any objection taken to an assessor on any of the following grounds, if made out to the satisfaction of the court, shall be allowed:—
 - (a) some presumption or actual partiality in the assessor;
 - (b) some personal ground, such as alienage, deficiency in the qualification required by any law, or rule having the force of law for the time being in force, or, being under the age of 21, or above the age of 60 years;

- (c) his having by habit or religious vows relinquished all care of worldly affairs;
 - (d) his holding any office in or under the court:
- (e) his having been convicted of any offence which, in the opinion of the court, renders him unfit to serve as an assessor;
- (f) his inability to understand the language in which the evidence is given or when such evidence is interpreted, the language in which it is interpreted;
- (g) any other circumstance, which in the opinion of the court renders it improper to require him to act as an assessor.
- (6) Every objection taken to an assessor shall be decided by the court, and such decision shall be recorded and be final.
- (7) If the objection is allowed, the place of such assessor shall be supplied by any other assessor attending in obedience to a summons and chosen in the manner provided by this section, or if there is no such other assessor present, then, by any other person present in the court, whose name is on the list of assessors, or whom the court considers a proper person to act as an assessor:

Provided that no objection to such assessor or other person is taken and allowed.

CHAPTER IV

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

- 20. The Code of Civil Procedure, 1908 shall apply to all suits and Act 5 of 1908 to proceedings before the court of a subordinate judge or munsiff subsubject to the following exceptions, namely:—

 20. The Code of Civil Procedure, 1908 shall apply to all suits and proceedings before the court of a subordinate judge or munsiff subsubject to the following exceptions, namely:—
 - (a) a defendant in a suit may, instead of filing a written courts of statement, make an oral statement of his defence which shall be subordinate recorded by the court;
 - (b) all applications by parties in any suit or proceeding may subject to exceptions. be made orally before the court;
 - (c) no appearance, application or act in or to the court, required or authorised by law to be made or done by a party in such court, shall be made or done by a pleader (as defined in the Code of Civil Procedure, 1908) save with the permission of the court;
 - (d) it shall be sufficient for the court to make a memorandum of the substance of the evidence of any witness examined by it and it shall not be necessary for the court to take down evidence of any witness in writing at length unless the court is,

5 of 1908.

Act 5 of 1908 to apply to suits and proceedings before courts of subordinate judges and munsiffs subject to exceptions.

on the application of any party or otherwise, satisfied that there is any special reason for so doing.

Presiding officers of courts not cases in which they are interested.

- 21. (1) The presiding officer of a civil court shall not try any suit or other proceeding or hear any appeal, to which he is a party or to try suits, in which he is personally interested.
 - (2) No presiding officer shall hear an appeal from any judgment, decree, sentence or order passed or made by himself,
 - (3) Where any such suit, proceeding or appeal as is referred to in sub-section (1) or sub-section (2) comes before any such officer, he shall transmit forthwith the record of such suit, proceeding or appeal, as the case may be, to the court to which he is immediately subordinate with the report of the circumstances attending the reference.
 - (4) The superior court shall thereupon dispose of the case under section 24 of the Code of Civil Procedure, 1908.

5 of 1908.

(5) For the purposes of this section, the presiding officer of a court subject to the general control of the district judge shall be deemed to be immediately subordinate to the court of the district judge.

Exclusion of the monsoon the period of limitation.

22. Notwithstanding anything contained in the Limitation Act, 1963, or any other law for the time being in force in the Islands, if 36 of 1963. period from any period of limitation prescribed by the said Act or bu such law for any suit, appeal or application expires on any day during the monsoon period, then in computing the period of limitation for such suit, appeal or application, the period to the extent it has fallen within the monsoon period shall be excluded.

Explanation.—In this section "monsoon period" means the period of four months ending on the 15th September.

Ministerial' officers of courts...

23. The ministerial officers of the district court shall be appointed by the district judge and the ministerial officers of the courts of subordinate judges and munsiffs shall be appointed by the district judge after consultation with the Administrator.

Abolition of certain courts.

24. All civil courts which are in existence in the Islands immediately before the commencement of this Regulation (hereinafter referred to as the existing civil courts), are hereby abolished.

Existing rights not affected.

25. (1) The abolition of any existing civil court under section 24 shall not prejudicially affect the continued operation of any notice served, injunction issued, direction made or proceeding taken before the commencement of this Regulation by such civil court under the powers then conferred upon it.

- (2) Every suit, proceeding, case or appeal pending before any of the existing civil courts immediately before the commencement of this Regulation shall, on such commencement, stand transferred to the court exercising, under this Regulation, jurisdiction which corresponds, as far as may be, to the jurisdiction of the court in which the suit, proceeding, case or appeal was pending and the court to which the suit, proceeding, case or appeal is deemed to be transferred, shall proceed to try, hear and determine the matter as if it had been pending with that court.
- (3) Any judgment, decree, sentence or order passed or made before the commencement of this Regulation by any existing civil court shall be deemed for the purpose of execution to have been passed by a court constituted under this Regulation which corresponds, as far as may be, to the court which passed or made the judgment, decree, sentence or order, as the case may be.
- (4) Any appeal from a judgment, decree, sentence or order passed or made by a court and not appealed against before the commencement of this Regulation shall, after such commencement, lie to the court exercising under this Regulation jurisdiction which corresponds, as far as may be, to the jurisdiction of the court to which such appeal would have lain if this Regulation had not been made and had not come into force.
- (5) Where any existing civil court has, by reason of its abolition under section 24, ceased to have jurisdiction with respect to any suit or proceeding, any proceeding in relation to that suit or proceeding which, if that court had not ceased to have jurisdiction, might have been had therein, may be had in the court to which the business of the former court has been transferred under this section.
- (6) Nothing contained in this section shall be construed as extending the period of limitation to which any suit, proceeding, case or appeal may be subject.
- 26. If any difficulty arises in giving effect to the provisions of Removal this Regulation, the Central Government may, after consultation with of difficulties. the High Court, by order published in the Official Gazette, make such provisions not inconsistent with the purposes of this Regulation, as appear to it to be necessary or expedient for removing the difficulty.

27. Any law in force in the Islands or any area thereof corres- Repeal and ponding to this Regulation or any part thereof is hereby repealed: saving

Provided that the repeal by this Regulation of any law aforesaid shall not affect—

- (a) the previous operation thereof; or
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment.

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made and had not come into force:

Provided further that, subject to the provisions of the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, or any rule, regulation or form issued or framed) under any law hereby repealed shall be deemed to have been done or taken under the corresponding provisions of this Regulation.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR, Secy. to the Govt. of India.



असाधारण

EXTRAORDINARY

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PART II-Section 1 प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

नई विस्ली, बुधवार, जून 8, 1966/क्येष्ठ 18, 1888 (शक) सं० 22]

No. 22] NEW DELHI, WEDNESDAY, JUNE 8, 1966/JYAISTHA 18, 1888 (Saka)

इस भाग में भिन्न पुष्ठ संख्या दी जाती है जिससे कि यह ग्रलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 8th June, 1966/Jyaistha 18, 1888 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS (REGULATION OF TRAFFIC AND PRESERVA-TION OF ORDER IN PUBLIC PLACES) REGULATION, 1966

No. 1 OF 1966

Promulgated by the President in the Seventeenth Year of the Republic of India.

A Regulation to provide for the regulation of traffic and the preservation of order in public places and for matters connected therewith in the Union territory of the Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him: -

1, (1) This Regulation may be called the Andaman and Nicobar Short title. Islands (Regulation of Traffic and Preservation of Order in Public extent Places) Regulation, 1966.

and commencement

- (2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands.
- (3) It shall come into force in the Port Blair municipal area at once and in any other area on such date as the Chief Commissioner may, by notification in the Official Gazette, specify in respect of that area.

Definitions.

- 2. In this Regulation, unless the context otherwise requires,—
- (a) "cattle" includes elephants, camels, horses, asses, mules, sheep goats and swine;
- (b) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;
- (c) "Official Gazette" means the Andaman and Nicobar Gazette:
- (d) "place" means any area whether open or enclosed and includes a building, a tent, a booth or other erection, whether permanent or temporary;
- (e) "place of public amusement" means any place where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;
- (f) "place of public entertainment" means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises by any person owning, or having an interest in, or managing, such place and includes a refreshment room, eating-house, coffee-house, liquorhouse, boarding-house, lodging-house, hotel, tavern, or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop or a shop where any kind of food or drink is supplied to the public for consumption in or near such shop;
- (g) "public place" includes the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation;

- (h) "street" includes any highway, bridge, way over a causeway, viaduct, arch or any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not:
- (i) "vehicle" means any carriage, cart, van, dray, truck, hand cart or other conveyance of any description and includes a bicycle, a tricycle, a rickshaw, an automatic car, a vessel or an aeroplane.
- 3. (1) The District Magistrate may make rules.—
- (a) with a view to preventing danger, obstruction or incon-rules to venience to the public, for regulating traffic of all kinds in streets of traffic, and public places, and the use of streets and public places by preserpersons---
 - (i) riding, driving, cycling or walking; or
 - (ii) leading or accompanying cattle;
- (b) for regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle;
- (c) for prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used;
- (d) for licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or injury that may be caused to the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments, the blowing or sounding of horns or other noisy instruments and the use of sound amplifiers in or near streets or public places;
- (e) for regulating the conduct, behaviour or action of persons constituting assemblies and processions on or along the streets and prescribing in the case of processions, the routes by which, the order in which and the times at which, the same may pass;
- (f) (i) for licensing or otherwise controlling places of public amusement or entertainment;
- (ii) for prohibiting the keeping of places of public amusement or entertainment or assembly, in order to prevent obstruction. inconvenience, annoyance, risk, danger or injury to the residents or passengers in the vicinity;

Power to order in public place. etc.

- (iii) for regulating the means of entrance and exit at places of public amusement or entertainment or assembly, and providing for the maintenance of public safety and the prevention of disturbance thereat;
- (g) for prescribing the procedure for making an application for the grant of a licence or permission required under this Regulation and the levy of fees therefor:

Provided that nothing in this section and no licence granted under any rule made thereunder shall in any way affect the provisions 4 of of the Explosives Act, 1884, or of the Arms Act, 1959, or of any rules 1884, 54 of made under them, or the liability of any person thereunder: 1959.

Provided further that any action taken under the rules made under this section or the grant of a licence made under such rules shall be subject to the control and supervision of the Chief Commissioner:

Provided also that the power to make rules under this subsection except under clauses (a) and (b) thereof shall be subject to the previous sanction of the Chief Commissioner.

(2) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication, and every rule made under this section shall be published in the Official Gazette and in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place as the case may be, to which the same specially relates, or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in English, or in the local language, as the District Magistrate may deem fit or by any two or more of these or any other means he may think suitable:

Provided that any such rules may be made without previous publication, if the District Magistrate is satisfied that circumstances exist which render it necessary that such rules should be brought into force at once.

(3) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rules made thereunder, it shall always be lawful for the competent authority under the said rules to refuse a licence for, or to prohibit the keeping of any place of public amusement or entertainment by a person of notoriously bad character.

(4) It shall be the duty of all persons concerned to conform to any rule duly made as aforesaid so long as the same shall be in operation.

4. Whoever-

(a) contravenes any rule made under section 3 or any of the travening rules conditions of a licence issued under such rule, or

Penalty for conunder section 3.

- (b) abets such contravention, shall, on conviction, be punished—
 - (i) in the case of contravertion or abetment of contravention of any rule made under clause (c) of sub-section (1) of section 3, with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, or with both;
 - (ii) in the case of contravention or abetment of contravention of any rule made under clause (d) or clause (e) of sub-section (1) of section 3, with fine which may extend to two hundred rupees;
 - (iii) in the case of contravention or abetment of contravention of any rule made under clause (a) of sub-section (1) of section 3, if, and in so far as, such rule prohibits the sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public---
 - (a) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both, and
 - (b) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees; and
 - (iv) in the case of contravention or abetment of contravention of any rule made under any other clause of sub-section (1) of section 3, with fine which may extend to fifty rupees.
- 5. Notwithstanding anything contained in the Code of Criminal Offences

Procedure, 1898, an offence under this Regulation shall be cognizable, to be cogbailable and triable by a magistrate of the second class.

nizable, **ba**ilable and triable by **second** class magis_ trate.

5 of 1898.

Prosecution of offences under other laws not affected. 6. Nothing in this Regulation shall be construed to prevent any person from being prosecuted and punished under any other law for any act made punishable by this Regulation or from being prosecuted and punished under this Regulation for any act made punishable under any other law, provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal 5 of 1898. Procedure, 1898.

Protection of action taken in good faith.

7. No suit, prosecution or other legal proceeding shall lie against the Chief Commissioner or any officer or authority of the Union territory of the Andaman and Nicobar Islands for anything which is in good faith done or intended to be done in pursuance of this Regulation or any rule made thereunder.

S. RADHAKRISHNAN,

President.

S. P. SEN-VARMA, Secy. to the Govt. of India.



असाधारण

EXTRAORDINARY

भाग ^{II}_खण्ड-1

PART II-Section 1 प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 42] नई विस्ली, ज्ञानीबार, ग्रावट बर 29, 1966/कार्तिक 7, 1888 (ज्ञाक) No. 42] NEW DELHI, SATURSDAY, OCTOBER 29, 1966/KARTIKA 7, 1888 (saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह झलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW (Legislative Department)

New Delhi, the 29th October, 1966/Kartika 7, 1888 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS LAND REVENUE AND I AND REFORMS REGULATION,

1966

No. 2 of 1966

Promulgated by the President in the Seventeenth Year of the Republic of India.

A Regulation to consolidate and amend the law relating to land revenue, powers of revenue officers, rights and liabilities of holders of land, land tenures and other matters relating to land, in the Union territory of the Andaman and Nicobar Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him. -

CHAPTER I

PRFLJMINARY

1. (1) This Regulation may be called the Andaman and Nicobar Shortide, Islands Land Revenue and Land Reforms Regulation, 1966.

extent and commencement.

- (2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands but nothing in this Regulation shall apply to such areas therein as may from time to time be constituted as Government forests.
- (3) It shall come into force on such date as the Chief Commissioner may, by notification, appoint.

Definition.

- 2. In this Regulation, unless the context otherwise requires,—
 - (1) "abadi" means the area reserved from time to time in a village in a non-urban area for the residence of the inhabitants thereof or for purposes ancillary thereto;
 - (2) "agriculture" includes-
 - (i) the raising of annual or periodical crops including betel leaves (pan) and garden produce,
 - (ii) horticulture,
 - (iii) raising of fodder or thatching grass.
 - (iv) dairy farming,
 - (v) poultry farming,
 - (vi) stock breeding and grazing, and
 - (vii) pisciculture;
 - (3) "agricultural year" means the year commending on the first day of May or such other date as the Chief Commissioner may, by notification, appoint;
- (4) "cess" means whatever is payable in money by a person, resident, or holding land, in a village, to the Government for services rendered to the community;
- (5) "Chief Commissioner" means the Chief Commissioner of the Union territory of the Andaman and Nicobar Islands:
- (6) "commercial trees" means any of the irees specified in the Schedule:
- (7) "co-operative society" means a society registered or deemed to be registered as such under the Co-operative Societies Act, 1912.
 - (8) "Government" means the Central Government,
- (9) "Government forest" means a forest constituted as a reserved forest or protected forest in accordance with the provisions of the Indian Forest Act, 1927;
- (10) "grant" means a grant made under clause (i) of section 146;

- (11) "holding" means a parcel of land separately assessed to land revenue;
- (12) "improvement", in relation to a holding, means any work which materially adds to the value of the holding and which is suitable thereto and consistent with the purpose for which it is held and includes—
 - (i) the construction of tanks, wells, water channels, embankments and other works for the storage, supply or distribution of water for agricultural purposes,
 - (ii) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage by water,
 - (iii) the planting of trees and the reclaiming, clearing, enclosing, levelling or terracing of land used for agricultural purposes,
 - (iv) the erection of buildings on or in the vicinity of the holding, elsewhere than in the abadi or urban area, required for the convenient or profitable use or occupation of the holding, and
- (v) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto, but does not include the construction of—
 - (a) temporary wells and such water channels, embankments, levelling enclosures or other works or petty alterations in or repairs to such works, as are commonly made by cultivators of the locality in the ordinary course of agriculture, or
 - (b) any work which substantially diminishes the value of any land, wherever situated, in the occupation of a tenant.

Explanation.—A work which benefits several holdings shall be deemed to be an improvement with respect to each of such holdings;

- (13) "land" means a portion of the earth's surface whether or not under water and includes all things attached to, or permanently fastened to anything attached to, such portion;
- (14) "land records" means the records maintained under this Regulation;
- (15) "land revenue" means any consideration in money payable by a tenant to the Government on account of the use or occupation of the land or on account of any right in land held by him;

- (16) "legal practitioner" means any person entitled to practise in any of the courts in the Union territory of the Andaman and Nicobar Islands under any law for the time being in force;
- (17) "licence" has the meaning assigned to it in the Indian Easements Act, 1882;
- (18) "notification" means a notification published in the Official Gazette;
- (19) "Official Gazette" means the Andaman and Nicobar Gazette:
 - (20) "person under disability" means,—
 - (i) a widow,
 - (ii) a minor,
 - (iii) a woman who is unmarried or who, if married, is divorced or judicially separated from her nusband or whose husband is a person falling under sub-clause (iv) or sub-clause (v),
 - (iv) a member of the Armed Forces of the Union, or
 - (v) a person incapable of cultivation by reason of physical or mental disability;
- (21) 'plot number' means a portion of land in an urban area formed into, or recognised as, a plot number under section 68, in respect of which the area and the land revenue payable are separately entered in the prescribed records under an indicative number and includes any portion of land entered in any records before the commencement of this Regulation under an indicative number known as khasra or survey number;
- (22) "prescribed" means prescribed by rules made under this Regulation;
- (23) "recognised agent" in relation to a party to a proceeding under this Regulation means,—
 - (i) a person authorised under a power of attorney by that party to make appearance and applications and to do other acts, on his behalf in such proceeding, or
 - (ii) a person authorised in writing by that party to make appearance on his behalf in such proceeding;
- (24) "rent" means whatever is lawfully payable, in money or in kind, or partly in money and partly in kind, whether as a fixed quantity of produce or as a share of the produce, on account of the use or occupation of land or on account of any right in land but shall not include land revenue:

- (25) "revenue officer" in any provision of this Regulation means such revenue officer as the Chief Commissioner may, by notification, direct to discharge the functions of a revenue officer under that provision;
- (26) "revenue year" means the year commencing on such date as the Chief Commissioner may, in the case of any specified area, by notification, appoint;
- (27) "sub-tenant" means a person who cultivates or holds the land of a tenant under an agreement, express or implied. on condition of paying rent theretor;
- (28) "survey number" means a portion of land in any nonurban area formed into, or recognised as, a survey number at the revenue survey immediately preceding the commencement of this Regulation, or subsequently formed into or recognised as such by the Deputy Commissioner in respect of which the area and the land revenue payable are separately entered under an indicative number in the land records; and includes, any portion of land entered in the land records under an indicative number known as khasra number;
- (29) "tenant" means the person by whom land revenue is or, but for a contract express or implied, would be payable but does not include a sub-tenant;
- (30) "urban area" means the area for the time being included within the limits of any municipality constituted under any law for the time being in force relating to municipalities or any village or group of villages which may be specified by the Chief Commissioner as an urban area and the expression "non-urban area" shall be construed accordingly;
- (31) "village" means any tract of land which immediately before the commencement of this Regulation was recognised as, or declared to be, a village under the provisions of any law for the time being in force or which may, after such commencement, be recognised as a village at any revenue survey or which the Chief Commissioner may, by notification, declare to be a village.

CHAPTER II

REVENUE OFFICERS, THEIR CLASSES AND POWERS

- 3. There shall be the following classes of revenue officers, Revenue namely:—
 - (a) Settlement Commissioner,
 - (b) Deputy Commissioner,

- (c) Settlement Officer,
- (d) Assistant Commissioner,
- (e) Assistant Settlement Officer,
- (f) Tehsildar,
- (g) Land Records Officer,
- (h) Naib-Tehsildar,
- (i) Revenue Inspector,
- (j) Patwari, and
- (k) such other village officers and servants as may be specified by rules made under this Regulation.

Cntrol over revenue officers.

- 4. (1) All revenue officers shall be subordinate to the Chief Commissioner and, subject to the provisions of sub-section (2), all revenue officers in the district shall also be subordinate to the Deputy Commissioner.
- (2) Unless the Deputy Commissioner otherwise directs, every revenue officer in a sub-division shall be subordinate to the Sub-Divisional Officer and a Naib-Tehsildar in a tehsil shall be subordinate to the Tehsildar.

Power to alter, create or abolish, districts. and tehsils.

5. The Chief Commissioner may, with the previous approval of the Government, alter the limits of any district or tehsil or create new or abolish existing districts or tehsils, or divide any district into sub-divisions sub-divisions or alter the limits of, or abolish, any sub-division.

Appointment of Deputy Commissioner.

6. The Government may appoint for each district a Deputy Commissioner who shall exercise the powers and perform the duties conferred or imposed on a Deputy Commissioner by or under this Regulation.

Appointment of Assistant Commissioners.

7. The Chief Commissioner may appoint for each district as many persons as he thinks necessary to be Assistant Commissioners who shall exercise such powers and perform such duties as the Chief Commissioner may, by notification, direct.

Appointment and Naib-Tchsildars.

8. The Chief Commissioner may appoint for each tehsil a Tehsildar of Tehsildars and one or more Naib-Tehsildars who shall exercise the powers and perform the duties conferred or imposed on them by or under this Regulation.

Appointment of Land Records Officers.

9. The Chief Commissioner may appoint for each district as many Land persons as he thinks necessary to be Land Records Officers, who shall exercise the powers and perform the duties conferred or imposed on them by or under this Regulation.

Sub-Divisional Officers.

10. (1) The Chief Commissioner may place any Assistant Commissioner to be in charge of one or more sub-divisions of a district.

- (2) Such Assistant Commissioner shall be called a Sub-Divisional Officer and shall exercise such powers and perform such duties of a Deputy Commissioner as the Chief Commissioner may, by notification, direct.
- 11. The Chief Commissioner may, by notification, confer on any Conferment person the powers conferred by or under this Regulation on any re- Commisvenue officer.

by sioner of powers of revenue officers on other persons.

12. If any revenue officer, who has been invested with any powers Powers under this Regulation in any tehsil or district is transferred to an exercisable equal or higher office of the same nature in any other tehsil or district, he shall, unless the Chief Commissioner otherwise directs, exercise the same powers under this Regulation in such other tehsil or district.

CHAPTER III

PROCEDURE OF REVENUE OFFICERS AND REVENUE COURTS

- 13. Except for reasons to be recorded in writing, no revenue offi-Place for cer shall enquire into, or hear, any case arising under this Regulation en quiries at any place outside the local limits of his jurisdiction.
- 14. All revenue officers and measurers and all persons acting under Power to their orders may enter upon and survey any land and demarcate and survey boundaries and do all other acts connected with their duties under land. this Regulation and in so doing, shall cause no more damage than the circumstances of the case may require:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without giving such occupier at least twenty-four hours notice and in making such entry due regard shall be paid to the special and religious sentiments of the occupier.

15. Whenever it appears to the Chief Commissioner that an order Power to under this section is expedient for the ends of justice, he may direct transfer cases. that any particular case be transferred from one revenue officer to another revenue officer of an equal or superior rank in the same district or any other district.

16. (1) A Deputy Commissioner, a Sub-Divisional Officer or a Power to Tehsildar may make over any case or class of cases arising under this transfer cases to and Regulation for decision from his own file to any revenue officer sub-from subordinate to him and competent to decide such case or class of cases, or may withdraw any case or class of cases from any such revenue officer and may deal with such case or class of cases himself or refer

the same for disposal to any other revenue officer subordinate to him and competent to decide such case or class of cases.

(2) A Deputy Commissioner, a Sub-Divisional Officer, or a Tehsildar may make over for inquiry and report any case or class of cases arising under this Regulation from his own file to any revenue officer subordinate to him.

Conferment of status of courts on revenue officers. 17. Every revenue officer, while exercising any power under this Regulation to enquire into or decide any question arising for determination between the Government and any person or between parties to any proceedings, shall be a revenue court.

Inherent powers of revenue courss. 18. Nothing in this Regulation shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the court.

Power of revenue officers to require attendance of persons and production of documents and to receive evidence.

19. (1) Subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908, and the rules made under this Regu-⁵ of 1908. lation every revenue officer acting as a revenue court shall have power to take evidence, to summon any person whose attendance he considers necessary either to be examined as a party or to give evidence as a witness or to produce any document for the purposes of any inquiry or case arising under this Regulation:

Provided that no person shall be ordered to attend in person unless he resides in the Union territory of the Andaman and Nicobar Islands.

- (2) Any person present may be required by any such revenue officer to give evidence or to produce any document then and there in his possession or power.
- (3) Every such revenue officer shall have power to issue a commission to examine any person who is exempted from attending court under any law for the time being in force or who cannot be ordered to attend in person or is unable to attend on account of sickness or infirmity.

Compelling attendance of witness.

- 20. If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons the officer by whom the summons has been issued under section 19, may—
 - (a) issue a bailable warrant of arrest;
 - (b) order him to furnish security for appearance: or
 - (c) impose upon him a fine not exceeding fifty rupees.

21. (1) If, on the date fixed for hearing a case or proceeding, a Dismissal revenue officer finds that a summons or notice was not served on any case or proceeding party due to the failure of the opposite party to pay the requisite and hearing process fees for such service, the case or proceeding may be dismissed of party. in default of payment of such process fees.

- (2) If any party to a case or proceeding before a revenue officer does not appear on the date fixed for hearing after due service of a summons or notice on him, the case or proceeding may be heard and determined in his absence or may be dismissed for default.
- (3) The party against whom any order is passed under sub-section (1) or sub-section (2) may apply, within thirty days from the date of such order, to have it set aside on the ground that he was prevented by any sufficient cause from paying the requisite process fees for service of a summons or notice on the opposite party or, as the case may be, from appearing at the hearing and the revenue officer may, after notice to the opposite party who was present on the date on which such order was passed and after making such inquiry as he considers necessary set aside the order passed.
- (4) Where an application filed under sub-section (3) is rejected, the party aggrieved may file an appeal to the authority to whom an appeal lies from an original order passed by such officer.
- (5) Except as provided in sub-section (4) no appeal shall lie from an order passed under this section.
- 22. (1) A revenue officer may, from time to time, for reasons to Adjournbe recorded by him in writing and on such terms as to costs as he hearing. thinks fit, adjourn the hearing of a case or proceeding before him.
- (2) The date and place of an adjourned hearing of a case or proceeding shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.
- 23. A revenue officer may award costs incurred in any case or Power to proceeding arising under this Regulation in such manner and to such costs. extent, as he thinks fit:

Provided that the fees of a legal practitioner shall not be allowed as costs in any such case or proceeding, unless such officer considers otherwise for reasons to be recorded by him in writing.

24. Where an order to deliver possession of any land has been Manner of passed under this Regulation against any person such order shall be executing order to executed in the following manner, namely:---

(a) by serving a notice on the person or persons in posses- of land. sion of the land requiring such person or persons within such

deliver possession. time as may appear reasonable after receipt of the said notice to vacate the land; and

- (b) if such notice is not obeyed, by removing or deputing an officer to remove any person who may refuse to vacate the same; and
- (c) if the officer removing any such person is resisted or obstructed by any person the revenue officer shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance or obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, take or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the order.

Persons by whom appearances and applications may be made to revenue officers.

25. Save as otherwise provided in any other law for the time being in force, all appearances before, applications to, and acts to be done before, any revenue officer under this Regulation shall be made or done by the parties themselves or by their recognised agents or by any legal practitioner:

Provided that subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908, any such appearance shall, if the 5 of 1908, revenue officer so directs, be made by the party in person:

Provided further that appearance alone may be made by a recognised agent referred to in sub-clause (ii) of clause (23) of section 2.

Orders of revenue officer when reversible by reason of error or irregularity.

- 26. (1) No order passed by a revenue officer shall be reversed or altered in appeal or revision on account of any error, omission or irregularity in the summons, notice, proclamation, warrant or order or other proceedings before or during any enquiry or other proceedings under this Regulation, unless such error, omission, or irregularity has in fact occasioned a failure of justice.
- (2) In determining whether any error, omission or irregularity in any proceedings under this Regulation has occasioned a failure of justice, regard shall be had to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.

Code of Civil Procedure to apply when no express provision made in the Regulation. 27. Unless otherwise expressly provided by or under this Regulation, the procedure laid down in the Code of Civil Procedure, 1908, 5 of 1908, shall, so far as may be, be followed in all proceedings under this Regulation.

CHAPTER IV

APPEAL, REVISION AND REVIEW

- 28. (1) Save as otherwise provided in this Regulation, an appeal Appeal and shall lie from every original order passed under this Regulation or authorities. the rules made thereunder—
 - (a) if such order is passed by any revenue officer subordinate to the Sub-Divisional Officer, whether or not the officer passing the order is invested with the powers of the Deputy Commissioner, to the Sub-Divisional Officer;
 - (b) if such order is passed by the Sub-Divisional Officer, whether or not invested with the powers of the Deputy Commissioner, to the Deputy Commissioner;
 - (c) if such order is passed by any revenue officer subordinate to the Settlement Officer, to the Settlement Officer;
 - (d) if such order is passed by a Deputy Commissioner, whether exercising the powers of Deputy Commissioner or Settlement Officer during the currency of the term of any settlement, to the Chief Commissioner;
 - (e) if such order is passed by a Settlement Officer, whether exercising the powers of Settlement Officer or the powers of a Deputy Commissioner in connection with any settlement operation, to the Settlement Commissioner.
- (2) A second appeal shall lie against any order passed in first appeal—
 - (i) by the Sub-Divisional Officer or the Deputy Commissioner or the Settlement Commissioner, to the Chief Commissioner;
 - (ii) by the Settlement Officer, to the Settlement Commissioner.
- (3) An order passed in review varying or reversing any order shall be appealable in like manner as the original order.
 - 29. No appeal shall lie from an order-

No appeal against the certain orders.

- (a) admitting an appeal or application for review on grounds specified in section 5 of the Limitation Act, 1963.
 - (b) rejecting an application for review;
 - (c) granting or rejecting an application for stay; or
 - (d) of an interim nature.

36 of 1963.

Limitation of appeals.

- 30. No appeal shall lie—
- (a) to the Sub-Divisional Officer or Deputy Commissioner or Settlement Officer or Settlement Commissioner, after the expiration of forty-five days from the date of the order appealed against; or
- (b) to the Chief Commissioner after the expiration of sixty days from such date:

Provided that where a party, other than a party against whom the order has been passed ex-parte, had no previous notice of the date on which the order is passed, limitation under this section shall be computed from the date of the communication of such order.

Copy of order objected to accompany petition.

31. Every petition for appeal, review or revision shall be accompanied by a certified copy of the order to which objection is made.

Power of appellate authority.

32. (1) The appellate authority may either admit the appeal or, after calling for the records and giving the appellant an opportunity to be heard, summarily reject it:

Provided that the appellate authority shall not be bound to call for the records where the appeal is time-barred or does not lie.

- (2) If the appeal is admitted, a date shall be fixed for hearing and notice shall be served on the respondent.
- (3) After hearing the parties, if they appear, the appellate authority may confirm, vary or reverse the order appealed against; or may direct such further investigation to be made, or such additional evidence to be taken, as it may think necessary; or may itself take such additional evidence; or may remand the case for disposal with such directions as it thinks fit.

Revision.

33. The Chief Commissioner or the Settlement Commissioner or the Deputy Commissioner may, either of his own motion or on the application of any party, call for the records of any proceedings before any revenue officer subordinate to him for the purpose of satisfying himself as to the legality or propriety of any order passed by such revenue officer, and may pass such order in reference thereto as he thinks fit:

Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties atterested notice to appear and be heard:

Provided further that no application for revision shall be entermed against an order appealable under this Regulation:

Provided also that such application is presented within sixty days to the Settlement Commissioner or the Deputy Commissioner as the case may be, or within ninety days to the Chief Commissioner, from the date of the order.

34. (1) Every revenue officer may, either of his own motion or Review of on the application of any party interested, review any order passed orders. by himself or by any of his predecessors-in-office and pass such order in reference thereto as he thinks fit:

Provided that-

- (1) no order shall be varied or reversed unless notice has been served on the parties interested to appear and opportunity has been given to them for being heard;
- (ii) no order from which an appeal has been made, or which is the subject of any revision proceedings shall be reviewed;
- (iii) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings and no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.
- (2) No order shall be reviewed except on the grounds provided for in the Code of Civil Procedure, 1908.
 - (3) For the purposes of this section, the Deputy Commissioner shall be deemed to be the successor in office of any revenue officer who has left the district or who has ceased to exercise powers as a revenue officer and to whom there is no successor in the district.
 - 35. (1) A revenue officer who has passed any order or his successor- Stay of in-office may, at any time before the expiry of the period prescribed execution of orders. for appeal or revision, direct the execution of such order to be stayed for such time as may be requisite for filing an appeal or revision and obtaining a stay order from the appellate or revisional authority.

- (2) The appellate or revisional authority may, at any time direct the execution of the order appealed from or against which a revision is made to be stayed for such time as it may think fit.
- (3) The authority exercising the powers conferred by section 33 or section 34 may direct the execution of the order under revision or review to be stayed for such time as it may think fit.
- (4) The revenue officer or other authority directing the execution of an order to be stayed may impose such conditions, or order such security to be furnished, as he or it thinks fit.

5 of 1908.

(5) No order directing the stay of execution of any order shall be passed except in accordance with the provisions of this section.

Application of Limitation Act.

36. Subject to the provisions of this Regulation, the provision, of the Limitation Act, 1963, shall apply to all appeals and applications ³⁶ of 1963, for revision of review under this Regulation.

Definition of "order".

37. In this Chapter the expression "order" means the formal expression of the decision given by a revenue officer in respect of any matter in the exercise of his powers under this Regulation.

CHAPTER V

LAND AND LAND REVENUE

Ownership of land,

- 38. (1) All land in the Union territory of the Andaman and Nicobar Islands is vested absolutely in the Government, and, save as provided by or under this Regulation, no person shall be deemed to have acquired any property therein or any right to or over the same by occupation, prescription or conveyance or in any other manner whatsoever except by a conveyance executed by, or under the authority of, the Government.
- (2) The right to all trees, brush-wood, jungles or other natural product wherever growing, except in so far as the same may be the property of any person, vests in the Government and such trees, brush-wood, jungles or other natural product shall be preserved or disposed of in such manner as may be prescribed keeping in view the interests of the people in the area with regard to the user of the natural products.
- (3) All such trees which have been planted and reared by, or under the orders, or at the expense, of the Government and all trees which have been planted and reared at the expense of any local authority by the side of any road belonging to the Government, shall vest in the Government.
- (4) Where a dispute arises in respect of any right under subsection (1) or sub-section (2) or sub-section (3) such dispute shall be decided by the Deputy Commissioner.
- (5) Any person aggrieved by any order passed under sub-section (4) may institute a civil suit to contest the validity of the order within a period of one year from the date of such order.
- (6) Where a civil suit has been instituted under sub-section (5) against any order, such order shall not be subject to appeal or revision under this Regulation.

39 All land, to whatever purpose applied and wherever situate, Liability to is liable to the payment of land revenue to Government, except such revenue. land as has been wholly exempted from such liability by special grant of, or contract with, the Government, or under the provisions of any law for the time being in force.

40. (1) The assessment of land revenue on any land shall be Variation of made, or shall be deemed to have been made, as the case may be, according with reference to the use of land-

to purpose for which land used.

- (a) for the purpose of agriculture;
- (b) as sites for dwelling houses;
- (c) for industrial or commercial purposes;
- (d) for any other purpose.
- (2) No land assessed for use for any one purpose shall be diverted to any other purpose without the previous permission of the Sub-Divisional Officer.
- (3) Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed in accordance with the purpose to which it has been diverted.
- (4) Where any land held free from the payment of land revenue on condition of being used for any purpose is diverted to any other purpose it shall become liable to the payment of land revenue and shall be assessed in accordance with the purpose to which it has been diverted.
- (5) The assessment made under sub-section (3) or sub-section (4) shall be in accordance with the rules made under this Regulation.
- (6) Where any land used for any purpose is diverted to any other purpose, and land revenue is assessed thereon under the provisions of this section, the Sub-Divisional Officer shall also have power to impose a premium on the diversion in accordance with the rules made under this Regulation:

Provided that no premium shall be imposed for the diversion of any land for charitable purposes.

41. On all lands on which the assessment of land revenue has not Assessment been made before the commencement of this Regulation, such assess- land. ment shall be made by the Deputy Commissioner in accordance with the rules made under this Regulation.

Responsibility for payment of land revenue.

- 42. (1) The primary responsibility for payment of land revenue shall lie on the tenant, but where a tenant has sub-let for any period any land comprised in his holding and he defaults in the payment of land revenue, such land revenue shall be payable by the subtenant and the sub-tenant shall be entitled to credit from the tenant the amount paid by him.
- (2) Where there are two or more persons liable to pay land revenue under sub-section (1), all of them shall be jointly and severally liable for its payment.

CHAPTER VI

REVENUE SURVEY AND SETTLEMENT IN NON-URBAN AREAS

Provisions of Chapter to apply to lands in nonurban areas.

43. The provisions of this Chapter shall apply in respect of lands in non-urban areas.

"Revenue survey", "settlement" and "term of settlement". 44. The operations carried out in accordance with the provisions of this Chapter in order to determine or revise the land revenue payable on lands in any local area are called a "revenue survey", the results of the operations are called a "settlement" and the period during which such results are to be in force is called the "term of settlement".

Inquiry into profits of agriculture and value of land.

- 45. (1) As soon as may be after the commencement of this Regulation, the Chief Commissioner may take steps to institute and may cause to be constantly maintained, in accordance with the rules made under this Regulation, an inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes.
- (2) For the purpose of determining the profits of agriculture, the following matters shall be taken into account in estimating the cost of cultivation, namely:—
 - (a) the depreciation of stock and buildings;
 - (b) the money equivalent of the labour and supervision by the cultivator and his family;
 - (c) all other expenses usually incurred in cultivation on the land which is under inquiry; and
 - (d) interest on the cost of buildings and stock, on all expenditure for seed and manure, and on the cost of agricultural operations paid for in cash.
- (3) The Settlement Officer appointed under sub-section (2) of section 46 shall take into consideration the information collected in

the course of this inquiry when framing his proposals for assessment rates.

- 46. (1) The Government may appoint a Settlement Commissioner Settlement who shall control the operations of the revenue survey.
- (2) The Chief Commissioner may appoint an officer (hereinafter Officer and referred to as the Settlement Officer), to be in charge of a revenue Assistant of survey, and as many Assistant Settlement Officers as he thinks fit.
- (3) The Settlement Officer and the Assistant Settlement Officers shall be subordinate to the Settlement Commissioner and all Assistant Settlement Officers in a local area shall also be subordinate, to the Settlement Officer.
- 47. When any local area is under revenue survey, the duty of power to maintaining the maps and records may, under the orders of the duty of Chief Commissioner, be transferred from the Deputy Commissioner meintaining to the Settlement Officer, who shall thereupon exercise all the powers records to conferred on the Deputy Commissioner by any of the provision's in Settlement Chapters VIII and XVI.

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Settlement

Officers.

48. (1) Whenever the Chief Commissioner decides that a revenue Notification survey of any local area should be made, he shall publish a notificative revenue tion to that effect, and such local area shall be held to be under such survey survey from the date of such notification until the issue of a notification declaring the operations to be closed.

- (2) Such notification may extend to all lands generally in the local area or to such lands only as the Chief Commissioner may direct.
- 49. Subject to the rules made under this Regulation, the Settle-Formation ment Officer may-

numbers and villages.

- (a) take measurements of the lands to which the revenue survey extends and construct such number of survey thereon as may be necessary;
- (b) divide such lands into survey numbers and group the survey numbers into villages; and
- (c) recognise existing survey numbers, reconstitute survey numbers, or form new survey numbers.
- 50. Notwithstanding anything contained in section 49 when any Separate portion of agricultural land is diverted to any non-agricultural pur- demarcation of land pose, or when any portion of land is set apart for any of the purposes diverted specified in section 198 or when any assessment is altered on any or specially portion of land under sub-section (3) of section 40, the Settlement

Öfficer may make such portion into a separate survey number or ub-division of a survey number.

Power to re-number or subcavitie survey numbers

- 51. (1) The Settlement Officer may either re-number survey numbers or sub-divide survey numbers into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.
- (2) The division of survey numbers into sub-divisions and the apportionment of the assessment of the survey number amongst the sub-divisions shall be carried out in accordance with the rules made under this Regulation and such rules may provide limits either of area or of land revenue or of both, below which no sub-division shall be recognised:

Provided that the total amount of assessment of any sur or number shall not be enhanced during the term of settlement unless such assessment is rable to alteration under the provisions of this Regulation.

- (3) Where a holding consists of several khasia numbers, the Settlement Officer shall assess the land revenue payable for each shasia number and record them as separate survey numbers.
- (4) Whenever the survey numbers are re-numbered, the Settlement Officer shall correct the entries in all records prepared or maintained under Chapter VIII.

Entry of survey of survey aumbers and sub-divisions of survey on records.

52. The area and assessment of survey numbers and sub-divisions of survey numbers shall be entered in such records as may be prescribed.

Determination of abadi of village.

53. The Setllement Officer may, in the case of every inhabited village, ascertain and determine, with due regard to rights in land, the area to be reserved for the residence of the inhabitants or for purposes ancillary thereto, and such area shall be deemed to be abadi of the village.

Grouping of villages for purposes of assessment.

54. For the purposes of assessment, the villages of each tehsil of part of a tehsil comprised in the area to be assessed shall be formed into groups, and in forming such groups regard shall be had to physical features, agricultural and economic conditions and trade facilities and communications.

Fixation of assessment rates.

55. (1) On completing the necessary inquiries under section 45, the Settlement Officer shall, having regard to soil and position of land and profits of agriculture, prepare a table of assessment rates for different classes of land in the prescribed form and shall publish it in the prescribed manner for the prescribed period

- (2) Any person objecting to an entry in the table of assessment rates may present a petition in writing to the Settlement Officer within the prescribed period and the Settlement Offices shall employ such objections after giving a hearing to the objector.
- (3) The Settlement Officer shall submit the table of the contacts to the Chief Commissioner together with a summary of objections, if any, his decisions on such objectors and a matrix of the grounds in support of his proposals
- (4) The Chief Commissioner may approve the table of assessment tates submitted to him under sub-section (3) with such modificational any, as he may consider necessary.
- (5) The assessment rates approved under sub-specing (4) shall be finally published in the Official Gazette
- 56. The Settlement Officer shall be the assessment, and hild Treation of ring in accordance with the constitution approach administration of fair assessment shall be the fair assessment of such its line.
- 57. The Settlement Officer shall have the power to make the All lands accordance with the principle and and the forth in this tends, whether such lands are liable to the payment of land revenue or not.
- 58. (1) The tall assessment of all lands shall be calculated in Principles of accordance with the principles and restrictions set forth in this assessment.
- (2) No regard shall be had to any claim to held land on privileged terms.
- (3) Regard shall be had in the case of agricultural land to the profits of agriculture, consideration paid for leases, sale prices of land and the principal moneys on mortgages, and in the case of non-agricultural land, to the value of the land for the purpose for which it is held.
- (4) The ian assessment on land used for non-agracultural purposes shall not exceed one-third of the estimated rental value of the land to be determined in the prescribed manner.
- (J) Where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the fair assessment of such holding shall be fixed as if the improvement had not been made

(6) Except for special reasons to be approved in each case by the Chief Commissioner, no increase in the fair assessment of a holding for the purpose of agriculture shall exceed fifty per centum of the existing assessment.

Announcement of settlement.

- 59. (1) When the assessment of any land has been fixed in accordance with section 56 notice thereof shall be given in accordance with the rules made under this Regulation, and such notice shall be called the announcement of the settlement.
- (2) The assessment of any land, as announced under this section, shall be the land revenue payable annually on such land during the term of the settlement unless it is modified in accordance with the provisions of this Regulation or any other law for the time being in force.

Introduction of settlement.

60. The term of a settlement shall commence from the beginning of the revenue year next following the date of announcement under sub-section (1) of section 59 or from the expiry of the term of the previous settlement, whichever is later.

Term of settlement.

61. (1) The term of settlement shall be fixed by the Government and shall not be less than thirty years:

Provided that if, at any time, during the currency of the settlement the Government is of opinion that, having regard to changes in the general conditions subsequent to the settlement, it is desirable that the assessment should be reduced, it may, by order, reduce such assessment for such period as it may deem fit.

- (2) Notwithstanding anything contained in sub-section (1) in any area where there is ample scope for extension of cultivation or for agricultural development or where the pitch of rents is unduly low or where there has been a rapid development of resources owing to the construction of roads or canals since the last settlement, the Government may, for reasons to be recorded, fix a term which may be less than thirty years but which shall in no case be less than twenty years.
- (3) Notwithstanding that the term of settlement fixed under subsection (1) or sub-section (2) for any local area has expired such term shall be deemed to have been extended till the commencement of the term of the subsequent settlement in that area.

Power of Settlement Officer ro divide or unite villages.

62. The Settlement Officer may alter the boundaries of any village, or divide a village into two or more villages or unite two or more villages into one in accordance with the rules made under this Regulation.

63. When the settlement operations are closed, all applications Power of and proceedings then pending before the Settlement Officer shall be Commistransfererd to the Deputy Commissioner who shall have all powers of a Settlement Officer for their disposal.

the sioner to complete unfinished proceeding.

64. The Deputy Commissioner may, at any time during the term Power of of settlement, correct any error in the area or assessment of any Commissurvey number or holding due to mistake of survey or arithmetical sioner to miscalculation:

correct errors.

Provided that no arrears of land revenue shall become payable by reason of such correction.

65. During the term of settlement, the Deputy Commissioner shall, Power of when so directed by the Chief Commissioner, exercise the powers of Commisa Settlement Officer under sections 49, 50, 51, 53 and 62.

Deputy sioner during the term of settlement.

66. Notwithstanding anything contained in this Chapter, all sur-Continuance vey operations commenced under any law for the time being in force operations and continuing at the commencement of this Regulation shall be and rates in deemed to have been commenced and to be continuing under the commenceprovisions of this Chapter and all assessment rates in force at such ment c commencement shall be deemed to have been determined and introduced in accordance with the provisions of this Chapter and shall remain in force until the introduction of revised assessment rates; and such revised assessment rates may be introduced at any notwithstanding anything contained in section 61.

CHAPTER VII

ASSESSMENT AND RE-ASSESSMENT OF LAND IN URBAN AREAS

- 67. The provisions of this Chapter shall apply to all lands in Provisions urban areas.
 - of Chapter to apply to lands in urban areas.
- 68. Subject to the rules made under this Regulation, the Deputy Power of Commissioner may—
 - (a) divide the lands in an urban area into plot numbers, and divide lands
 - (b) recognise existing survey numbers as plot numbers, re- in urban constitute plot numbers or form new plot numbers.
- 69. (1) The Deputy Commissioner may either re-number plot Power of numbers or sub-divide plot numbers into as many sub-divisions as Deputy may be required in view of the acquisition of rights in land or for sloner to any other reason.

Deputy Commisdivide lands arca into plot numbers.

re-number

or subdivide plot numbers. (2) The division of plot numbers into sub-divisions and the apportionment of the assessment of the plot numbers amongst the sub-divisions shall be carried out in accordance with the rules made under this Regulation and such rules may provide limits either of area or of land revenue, as the case may be, or of both, in any local area below which no sub-division shall be recognised:

Provided that the total amount of assessment of any plot number shall not be enhanced during the term of settlement unless such assessment is liable to alteration under the provisions of this Regulation.

Area and assessment of plot numbers and subdivisions to be entered in records.

70. The area and assessment of plot numbers and sub-divisions of plot numbers shall be entered in such records as may be prescribed.

Urban area to be divided into blocks for assessment. 71. For the purposes of assessment, an urban area shall be divided into blocks and in so dividing regard shall be had to the use of land for agricultural, industrial, commercial, residential or such to the special purposes as may be prescribed.

Deputy Commissioner to fix standard rate of assessment and publication of standard rates.

- 72. (1) The Deputy Commissioner shall, with the approval of the Chief Commissioner and in accordance with the provisions of section 73, fix the standard rate of assessment per ten square meters of land in the case of non-agricultural land and per hectare of landing the case of agricultural land in each block in an urban urban land such standard rates shall be published in the prescribed name:
- (2) Any person objecting to any standard rate may present a petition in writing to the Deputy Commissioner within the prescribed period and the Deputy Commissioner shalf consider objections after giving a hearing to the objector.
- (3) The Deputy Commissioner shall submit the standard races we the Chief Commissioner together with a summary of objections, if any, his decision on such objections and a statement of the grounds in support of his proposals.
- (4) The Chief Commissioner may approve the standard rates submitted to him under sub-section (3) with such modifications, if any, as he may consider necessary.
- (5) The standard rates approved under sub-section (4) shall be finally published in the Official Gazette.
- (6) The standard rates published under sub-section (5) shall remain in force for a period of thirty years and shall thereafter continue to be in force until altered.

73. (1) The average annual letting value of lands in each block Fixation of shall be determined in the prescribed manner.

standard rates of assessment.

- (2) The standard rates of assessment for lands held for purposes mentioned in clause (b) or clause (c) of sub-section (1) of section 40 shall be equal to one-third of the average annual letting value of the block determined under sub-section (1) and for purposes mentioned in clause (d) of sub-section (I) of section 40 shall be one-half of the said value.
- (3) The standard rates of assessment for lands held for agricultural purposes shall be fixed in the prescribed manner with due regard to soil and position of land and to the profits of agriculture, to the consideration paid for leases and to the sale prices of such lands.
- 74. The maximum and minimum limits for the rate of assessment Maximum shall respectively be one and a quarter times and three-fourths of and minithe standard rates in force for the time being.

for rate of assessment.

75. The Deputy Commissioner shall assess every plot at a rate Commiswithin the limits prescribed by section 74 regard being had to the sioner use, situation and other advantages or disadvantages attaching to assess plot such plot:

prescribed.

Provided that if, in the case of lands which are being assessed for a purpose with reference to which they were assessed immediately before the revision, the assessment so arrived at exceeds, in the case of agricultural land one and a half times of the land revenue and in the case of other lands six times of the land revenue payable immediately before the revision, the assessment shall be fixed at one and a half times of such land revenue in the case of agricultural land and at six times of such land revenue in the case of other lands

Provided further that where an improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the assessment of such holding shall be fixed as if the improvement had not been made.

76. The assessment fixed under section 75 shall remain in force Term of for a period of thirty years or for such longer period as may elapse settlement. before re-assessment after that period and such period shall be deemand to be the term of settlement for all purposes.

Assessment fixed shall be land revenue.

- 77. (1) The assessment fixed under section 75 shall be the land revenue payable annually on such plot number unless it is modified in accordance with the provisions of this Regulation.
- (2) The Deputy Commissioner may, at any time during the term of settlement, correct any error in the area or assessment of any plot number due to any mistake in division of land into plot numbers or arithmetical miscalculation:

Provided that no arrears of land revenue shall become payable by reason of such correction.

Land
revenue or
rent fixed
under
previous
settlement
r c ,es to
continue.

78. The land revenue or rent fixed for any land in an urban area under a settlement or a lease from Government with rights of renewal, made or granted before the commencement of this Regulation shall, notwithstanding the expiry of the term of such settlement or lease, continue to be in force until the assessment on such land is fixed in accordance with the provisions of this Chapter.

CHAPTER VIII

LAND RECORDS

Formation of patwari ircles and appointment of patwaris.

- 79. (1) The Deputy Commissioner shall from time to time arrange the villages of the tehsil into patwari circles and may, at any time, alter the limits of any existing circle or create new circles or abolish existing ones.
- (2) The Deputy Commissioner shall appoint one or more patwaris to each patwari circle for the maintenance and correction of land records and for such other duties as may be prescribed.

ormation f revenue ircles. 80. The Deputy Commissioner shall from time to time arrange the patwari circles in the tehsil into revenue inspectors' circles and may, at any time, alter the limits of any existing circle or create new circles or abolish existing ones.

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tc.

- 81. (1) The Deputy Commissioner may appoint for each district as many persons as he thinks fit to be revenue inspectors, town surveyors, assistant town surveyors and measurers to supervise the preparation and maintenance of land records and to perform such other duties as may be prescribed.
- (2) The town surveyor and assistant town surveyor shall be deemed to be a revenue officer for the purposes of sections 14 and 92 and a patwari for the purposes of sections 84 and 85 in respect of the areas under their charge.

- 82. There shall be prepared by the prescribed authority a map Field map. showing the boundaries of survey numbers or plot numbers and waste lands called the "field map" for every village, except when otherwise directed by the Chief Commissioner.
- 83. A record-of-rights shall, in accordance with the rules made Record-ofunder this Regulation, be prepared and maintained for every village rights. and such record shall include the following particulars, namely:
 - (a) the names of all tenants together with survey numbers or plot numbers held by each of them and their area;
 - (b) the nature and extent of the respective interests of such persons and the conditions or liabilities, if any, attaching thereto;
 - (c) the land revenue, if any, payable by each of such persons; and
 - (d) such other particulars as may be prescribed.
- 84. (1) Any person acquiring by succession, survivorship, inherit- Acquisition ance, partition, purchase, gift, mortgage, lease or otherwise any right of rights to be reported. in land shall report orally or in writing his acquisition of such right to the patwari of the village within six months from the date of such acquisition, and the patwari shall give a written acknowledgement in the prescribed form for such report to the person making it:

Provided that when the person acquiring such right is a minor or is otherwise disqualified, his guardian or other person having charge of his property shall make the report to the patwari.

Explanation I.—For the purpose of this section, right in land does not include an easement over or a charge (not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882) on the land.

4 of 1882.

Explanation II.--A person, in whose favour a mortgage is redeemed or paid off or a lease is determined, acquires a right within the meaning of this section.

Explanation III.—Intimation in writing required to be given to the patwari under this section may be given through a messenger or in person or may be sent by registered post.

- (2) Any such person as is referred to in sub-section (1) may also report in writing his acquisition of such right to the Tehsildar within six months from the date of such acquisition.
- 85. (1) The patwari shall enter in a register of mutations every Register of acquisition of right reported to him under section 84 or coming to his mutations notice from intimation received from the Tehsildar or the Gram Pan- of disputed chayat, if any, or from any other source.

(2) Whenever the patwari makes an entry in the register of mutations, he shall at the same time post up a complete copy of the entry in any place of public resort appointed by the Deputy Commissioner in the village.

- (3) The fact of such entry shall be proclaimed in the village by beat of drum and written intimation thereof shall be given to all persons appearing to the patwari to be interested in the mutation and also to the Gram Panchayat or where a Gram Panchayat has not been established, to the Chaudhari appointed under section 132.
- (4) Should any objection to any entry made under sub-section (1) in the register of mutations be made either orally or in writing to the patwari, he shall enter the particulars of the objection in a register of disputed cases, and shall give a written acknowledgement in the prescribed form for the objection to the person making it.
- (5) Every objection entered in the register of disputed cases shall be disposed of, and every entry in the register of mutations shall be tested, and if found correct or after correction, as the case may be, shall be certified by such officers and in such manner as may be prescribed.
- (6) Entries in the register of mutations, when duly certified, shall be transferred to the record-of-rights in the prescribed manner.
- (7) Any report regarding the acquisition of any right of the kind specified in section 84 received by the patwari after the specified period shall be dealt with in accordance with the provisions of this section:

Provided that no action on the report of the patwari shall be taken by the Tehsildar unless it is verified by the revenue inspector.

Jurisdiction of civil courts.

86. The civil courts shall have jurisdiction to decide any dispute to which the Government is not a party relating to any right which recorded in the record-of-rights.

Correction of clerical errors.

87. The Deputy Commissioner may, at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record-of-rights.

Land records.

88. In addition to the map and the record-of-rights, there shall be prepared for each village a khasra or field book and such other and records as may be prescribed.

Correction of wrong entry in land recordaby superior officers.

89. If any revenue officer finds that a wrong or incorrect entry has been made in the land records prepared under section 88 by an officer subordinate to him he shall direct necessary changes to be made therein after making such enquiry from the persons concerned as he may deem fit after due written notice.

90. (1) If any person is aggrieved by any entry made in the land Dispute records prepared under section 88 in respect of matters other than regarding entry in land those referred to in section 83 he shall apply to the revenue officer records. for its correction within one year of the date of such entry.

- (2) The revenue officer shall after making such enquiry as he may deem fit, pass necessary orders in the matter.
- 91. Every entry in the land records existing at the commencement Presumpof this Regulation and every entry made therein under this Chapter entries in shall be presumed to be correct until the contrary is proved or a new land records. entry is lawfully substituted therefor.

92. (1) Every person, whose rights, interest or liabilities are requir-Obligation ed to be or have been entered in any record or register under this information Chapter, shall be bound on requisition in writing by any revenue as to title. officer, engaged in compiling or revising the record or register to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or possession or power.

- (2) The revenue office, to whom any information is furnished, or before whom any document is produced under sub-section (1), shall give a written acknowledgement thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof.
- 93. Any person neglecting to make the report required by section Penalty for 84 or furnish the information or produce the documents required by furnish section 92 within the specified period shall be liable, at the discretion information. of the Deputy Commissioner to a ponalty not exceeding twenty-five rupees.

- 94. Certified copies of entries in the record-of-rights may be Certified granted by such officers and on payment of such fees as may be copies. prescribed.
- 95. Subject to such rules and on payment of such fees, if any, Maps and as may be prescribed, all maps and land records shall be open to inspec-other tion by the public during office hours, and certified extracts there- open to from or certified copies thereof may be given to all persons applying inspection. for the same.

CHAPTER IX

BOUNDARIES, BOUNDARY MARKS AND SURVEY MARKS

Construction of boundary marks of villages and survey numbers or plot numbers.

- 96. (1) The boundaries of all villages shall be fixed and demarcated by permanent boundary marks.
- (2) The Chief Commissioner may, in respect of any village, by notification, order that the boundaries of all survey numbers or plot numbers shall also be fixed and demarcated by boundary marks and where such boundaries have been fixed and demarcated by boundary marks it shall be lawful for the Chief Commissioner to assess all charges incurred thereby on the holders of the survey numbers or plot numbers, as the case may be, or others having an interest therein.
- (3) Such boundary marks shall, subject to the provisions hereinafter contained, be of such specification and shall be constructed and maintained in such manner as may be prescribed.
- (4) Every holder of land shall be responsible for the maintenance and repair of the permanent boundary and survey marks erected thereon.

Disputes regarding boundaries between villages, survey numbers and plot numbers.

- Ejectment of persons wrongfully in possession.
- 97. All disputes regarding boundaries of villages and boundaries of survey numbers and plot numbers where such boundaries have been fixed under the provisions of section 96, shall be decided by the Deputy Commissioner after local inquiry at which all persons interested shall have an opportunity of appearing and producing evidence.
- 98. (1) When a boundary has been fixed under the provisions of section 96 the Tehsildar may summarily eject any person who is wrongfully in possession of any land which has been found not to appertain to his holding or to the holding of any person through or under whom he claims.
- (2) Where any person has been ejected from any land under the provisions of sub-section (1), he may, within a period of one year from the date of ejectment institute a civil suit to establish his title thereto:

Provided that the Tehsildar, or any other revenue officer, shall not be made a party to such suit.

(3) The Tehsildar may at any time after the passing of the decree in the civil suit, if any, make an order for redistribution of land revenue which, in his opinion should be made as a result of the decree and such redistribution shall take effect from the beginning of the revenue year following the date of the order.

99. (1) Every holder of land adjoining a village road, village and waste or land reserved for community purposes, shall at his own maintenance cost and in the prescribed manner-

Demarcation of boundary lines.

- (a) demarcate the boundary between his land and the village road, village waste or land reserved for community purposes adjoining it by boundary marks, and
- (b) repair and renew such boundary marks from time to time.
- (2) If the holder fails to demarcate the boundary or to repair or renew the boundary marks as required by sub-section (1), the Tehsildar may, after such notice as he deems fit, cause the boundary to be demarcated or the boundary marks to be repaired or renewed and may recover from the holder the cost incurred thereby.
- (3) In the event of any dispute regarding the demarcation of the boundary or the maintenance of the boundary marks in proper state of repair, the matter shall be decided by the Deputy Commissioner whose decision thereon shall be final.

Explanation.—For the purpose of this section "village road" means a road which bears an indicative survey number or plot number.

100. (1) After the end of November in each year, the patwari of ment of the village shall give written notice to every holder on whose land repair of the boundary or survey marks are defective calling upon him to put survey them into proper repair before the first day of March next following, marks.

sub-division

- (2) After the first day of March in any year, the Tehsildar or any other revenue officer specially empowered in this behalf by the Chief Commissioner may cause any defective boundary or survey marks with respect to which a notice has been given under subsection (1) to be properly repaired and shall recover the cost of such repair from the holder or holders responsible for the maintenance of such boundary or survey marks, together with a penalty which may extend to one rupee for every boundary mark or survey mark so repair**ed**.
- 101. Where no order has been made by the Chief Commissioner Demarcaunder sub-section (2) of section 96 the Tehsildar or any other revenue tion of boundaries officer specially empowered in this behalf by the Chief Commissioner of survey may, on the application of any party interested, demarcate the number or boundaries of a survey number or of a sub-division or of a plot or plot number and construct boundary marks thereon and recover the cost number. of such demarcation and construction from the applicant.

Penalty for destruction, injury or removal of boundary or survey marks. 102. If any person wilfully destroys or injures, or without lawful authority, removes a boundary or survey mark lawfully constructed, he may be ordered by the Tehsildar or any other revenue officer specially empowered in this behalf by the Chief Commissioner to pay such fine, not exceeding fifty rupees for each mark so destroyed, injured or removed, as may, in the opinion of the Tehsildar or such other revenue officer, be necessary to defray the expenses of restoring the same and of rewarding the informant, if any.

Penalty for obstruction of way etc.

103. Any person who encroaches upon, or causes any obstruction to the use of, a recognised road, path or common land of a village shall be liable, under the written orders of the Tehsildar stating the facts and circumstances of the case, to a penalty which may extend to fifty rupees.

Removal of obstruction.

164. If the Tehsildar finds that any obstacle impedes the free use of a recognised road, path or common land of a village he may order the person responsible for such obstacle to remove it, and, if such person fails to comply with the order, may cause the obstacle to be removed and may recover from such person the cost of removal thereof.

Execution of bond for abstaining from repetition of certain acts.

105. Any person who encroaches or causes any obstruction under section 103 may be required by the Tehsildar to execute a personal bond for such sum not exceeding five hundred rupees, as he may deem fit, for abstaining from repetition of such act.

CHAPTER X

REVISION OF MAPS AND RECORDS

Notification of record operations.

- 106. (1) If the Chief Commissioner is of opinion that in any local area a general or rartial revision of the records, or a resurvey, or both, should be made, he shall issue a notification to that effect.
- (2) Every such local area shall be held to be under record or survey operations, or both, as the case may be, from the date of the notification until the issue of another notification declaring the said operations to be closed therein.

Survey officers.

107. The Chief Commissioner may appoint an officer, hereinafter referred to as the "survey officer", to be in charge of the record or survey operations, or both, as the case may be, in any local area and as many Assistant Survey Officers as he may deem fit, and such officers shall exercise all the powers conferred on them by or under this Regulation so long as such local area is under record or survey operations or both.

108. When any local area is under survey operations the survey Powers of officer may issue a proclamation directing all the tenants and occupiers officers as of land thereon to erect, within fifteen days of such proclamation, to erection of boundary such boundary marks as he may think necessary to define the limits marks. of their fields; and in default of their complying within the said period, he may cause such boundary marks to be erected, and the Deputy Commissioner shall recover the costs of their re-erection from such tenants and occupiers.

- 109. In case of any dispute concerning any boundaries the survey Decision of disputes. officer shall decide such dispute in the prescribed manner.
- 110. When any local area is under survey operations the survey Records to officer shall prepare for each village therein a map and field book, be prepared in survey which shall thereafter be maintained by the Deputy Commissioner operations. as provided by or under this Regulation, instead of the map and field book previously maintained
- 111. When any local area is under record operations the survey Preparation officer shall frame, for each village therein, the records specified in of new records-of-Chapter VIII or such of them as the Chief Commissioner may direct, rights. and the record or portion thereof so framed shall thereafter be maintained by the Deputy Commissioner, instead of the record or portion of the record previously maintained.
- 112. All undisputed entries in the record of rights shall be attested Attestation by the parties interested, and all disputes regarding such entries, and decision whether taken up by the survey officer on his own motion or upon of disputes. application by any party interested, shall be disposed of by him.
- 113. All entries in the record-of-rights prepared in accordance with Presumption the provisions of this Chapter shall be presumed to be correct until as to entries. the contrary is proved; and all decisions under this Chapter in cases of dispute shall, subject to the adjudication of rights by a civil court having jurisdiction, be binding on all revenue courts in respect of the subject-matter of such dispute; but no such entry or decision shall affect the rights of any person to claim and establish in a civil court any interest in land which requires to be recorded in the record-ofrights prepared under section 83.

CHAPTER XI

REALISATION OF LAND REVENUE

114. The land revenue assessed on any land shall be a first charge Land on that land and on the crops, rents and profits thereof. charge on land.

Date on which land revenue falls due and is payable.

- 115. (1) The land revenue payable on account of a revenue year shall fall due on the first day of that year.
- (2) The payment of land revenue may be made in cash or may. at the cost of the remitter, be remitted by money order on or before such date, in such instalments (if any) and to such persons as may be prescribed.
- (3) Any period elapsing between the first day of the revenue year and any date prescribed for the payment of land revenue shall be deemed to be a period of grace, and shall not affect the provisions of sub-section (1).

Definitions οf "arrear" and

116. Any land revenue due and not paid on or before the prescribed date becomes therefrom an arrear, and the persons responsible "defaulter". for the payment thereof become defaulters.

Persons receiving land revenue to give receipt.

- 117. (1) Where any person prescribed under sub-section (2) of section 115 receives payment from any other person on account of land revenue or on account of any sum of money recoverable as an arrear of land revenue he shall grant a receipt to such other person for such sum in the prescribed form.
- (2) If any person fails to give a receipt as required by sub-section (1), such person shall, on application by the payer, be liable by an order of the Tehsildar to pay a penalty not exceeding double the amount received.

Penalty for default of payment of

118. If any instalment of land revenue or any part thereof is not paid within one month after the prescribed date, the Sub-Divisional land revenue. Officer may, in the case of a wilful defaulter, impose a penalty not exceeding ten per cent. of the amount not so paid:

> Provided that no such penalty shall be imposed for the nonpayment of any instalment, the payment of which has been suspended by an order of the Chief Commissioner, in respect of the period during which the payment remained suspended.

Remission or suspension of land revenue on failure of crops.

119. The Chief Commissioner may, in accordance with the rules made under this Regulation, grant a remission or suspension of land revenue in areas in which crops have failed in any year.

Certified account to be evidence as to arrear and defaulter.

120. (1) A statement of account, certified by the Deputy Commissioner or the Tehsildar shall, for the purpose of this Chapter, be presumed to be a correct statement of the arrears of land revenue payable to Government or its amount, and of the person who is the defaulter, until the contrary is proved.

- (2) No notice to the defaulters shall be necessary before drawing up the statement reterred to in sub-section (1).
- 121. The Tehsildar or Naib-Tehsildar shall cause a notice of Notice of demand in the prescribed form and containing the prescribed partidemand. culars to be served on any defaulter before the issue of any process under section 122 for the recovery of an arrear of land revenue.
- 122. An arrear of land revenue payable to Government may be Process for recovered by the Tehsildar in the prescribed manner by any one or recovery of more of the following processes, namely:—
 - (a) by attachment and sale of movable property belonging to the defaulter;
 - (b) by attachment of the holding in respect of which the arrear is due and the sale of the interest of the defaulter therein and where such holding consists of more than one survey number or plot number by such sale in one or more of such survey numbers or plot numbers as may be considered necessary to recover the arrear;
 - (c) by attachment and sale of the interest of the defaulter in any other immovable property:

Provided that the processes specified in clauses (a) and (c) shall not permit the attachment and sale of the following, namely:—

- (i) the necessary wearing-apparel, cooking vessels, beds and bedding of the defaulter, his wife and children, and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman;
- (ii) tools of artisans and, if the defaulter is an agriculturist, his implements of husbandry, except any implements driven by mechanical power and such cattle and seed as may, in the opinion of the Tehsildar, be necessary to enable him to earn his hvelihood as such;
- (iii) articles set aside exclusively for the use of religious endowments;
- (iv) houses and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him.
- 123. The cost of serving a notice of demand under section 121 or Cost of issuing and enforcing any process under section 122 shall be recoverable as part of the arrear in respect of which the notice was arrear. served or the process was issued.

Enforcement of processes in other districts. 124. The processes specified in clauses (a) and (c) of section 122 may be enforced either in the district in which the default has been made or in any other district.

Payment under protest and suit for recovery.

- 125. (1) If proceedings are taken under this Chapter against any person for the recovery of an arrear of land revenue he may, at any time before his interest in the property is knocked down at a sale, pay the amount claimed and may, at the same time, deliver a protest signed by himself or by his authorised agent to the revenue officer taking such proceedings, and thereupon such proceedings shall be stayed.
- (2) Any person complying with the provisions of sub-section (1) may, notwithstanding anything contained in section 120, object to the Sub-Divisional Officer that nothing was due or that the amount due was less than the amount for the recovery of which proceedings were taken and the Sub-Divisional Officer shall decide the objection so raised.
- (3) Where the Sub-Divisional Officer decides that the amount due was less than the amount for the recovery of which proceedings were taken he shall as early as practicable refund the excess amount to such person.
- (4) No appeal shall lie against the order of the Sub-Divisional Officer passed under sub-section (2), but the person aggrieved by such order may institute a civil suit for the recovery of the sum paid under protest.

Application of proceeds of sale.

126. (1) The proceeds of every sale under this Chapter shall be applied, firstly, in satisfaction of the arrears on account of which the sale was held and of the expenses of such sale, secondly, to the payment of any arrears of cesses due from the defaulter under any law for the time being in force, thirdly, to the payment of any other arrear payable to the Government by the defaulter, and fourthly, to the payment of any arrears due from the defaulter to a co-operative society, and the surplus, if any, shall then be payable to him, or where there are more defaulters than one, to such defaulters according to their respective interests in the property sold:

Provided that the surplus shall not be paid to the defaulter or defaulters, as the case may be, until after the expiry of two months from the date of the sale in the case of movable property or from such date as may be prescribed in the case of immovable property.

(2) Notwithstanding anything contained in sub-section (1), the proceeds of sale under clause (c) of section 122 shall be applied first to the payment of arrears of land revenue payable by the defaulter

for the immovable property sold up to the date of the sale, and the surplus, if any, shall be applied in accordance with sub-section (1).

127. Unless the Sub-Divisional Officer otherwise directs, the pur-Interest of chaser of the interest of the defaulter in the immovable property sold in the profor arrears of land revenue, shall acquire such interest free of all perty sold encumbrances imposed on it and all grants and contracts made in be free from respect of it, by any person other than the purchaser.

encumbrances.

128. (1) Where the interest of the defaulter in any immovable Purchaser's property is sold under the provisions of this Chapter and such sale title. has been confirmed by the prescribed authority in the prescribed manner such interest shall be deemed to have vested in the purchaser from the time when such interest is sold and not from the date on which the sale has been confirmed.

- (2) When a sale is confirmed under sub-section (1), the Sub-Divisional Officer shall put the person declared to be the purchaser in possession of the property and shall grant him a certificate in the prescribed form to the effect that he has purchased the interest of the defaulter in the property specified therein and such certificate shall be deemed to be a valid transfer of such interest.
- 129. The purchaser shall not be liable for land revenue payable Purchaser in respect of the property for any period previous to the date of the land revenue sale.

not liable for due prior to sale.

130. The following moneys may be recovered, under this Regula-Moneys tion in the same manner as an arrear of land revenue, namely:-

recoverable AS ATT STEER of land revenue.

- water (a) all rents. cesses. royalties. rates. fees. charges, premia, penalties, fines and costs due to the Government under this Regulation;
- (b) all moneys falling due to the Government under any grant, licence, lease or contract which provides that they shall be recoverable in the same manner as an arrear of land revenue;
- (c) all sums declared by this Regulation, or any other law for the time being in force, to be recoverable in the same manner as an arrear of land revenue; and
- (d) any sum ordered by a liquidator appointed under the Co-operative Societies Act, 1912, to be recovered as a contribution to the assets of a society or as the cost of liquidation:

Provided that no action shall be taken on application for recovery of a sum specified in clause (d), unless such application is accompanied by a certificate signed by the Registrar appointed under that Act that the sum should be recovered as an arrear of land revenue.

2 of 1912.

Recovery of moneys from surety.

131. Every person who may have become a surety under any grant or licence made or granted under this Regulation whereunder the sum secured is recoverable from the principal as an arrear of land revenue shall, on failure to pay the amount or any portion thereof which he may have become liable to pay under the terms of his security bond, be liable to be proceeded against under the provisions of this Regulation in the same manner as for the recovery of arrears of land revenue.

CHAPTER XII

VILLAGE OFFICERS

A.—Chaudhari

Appointment of Chaudha-

- 132. (1) The Deputy Commissioner may appoint for each village or group of villages one or more Chaudharis.
- (2) When there are two or more Chaudharis in a village, the Deputy Commissioner may distribute, subject to the rules made under this Regulation, duties of the office of Chaudhari among them in such manner as he may think fit.

Remuneration o ; Chaudhara.

133. The remuneration of Chaudharis shall be fixed by the Deputy Commissioner in accordance with the rules made under this Regulation.

Duties of Chaudharis.

- 134. It shall be the duty of every Chaudhari,—
- (a) to collect and pay into the Government Treasury land revenue and cesses payable through him and such other Government dues ordered to be collected by him;
- (b) to furnish reports regarding the state of his village at such places and times as the Deputy Commissioner may fix in this behalf:
- (c) to prevent encroachments on waste land, public paths, and roadways in the villages;
- (d) to preserve such stations and boundary marks erected in his village by surveyors in the service of Government as may be made over to his care and to report any damage caused to such station or marks;
- (e) subject to rules made under this Regulation, to keep the village in good sanitary condition;
- (f) to prevent unauthorised cutting of wood or unauthorised removal of any minerals or other properties belonging to the Government;

- (g) to control and supervise the work of the chaukidar;
- (h) to perform such other duties as may be prescribed.
- 135. Subject to the rules made under this Regulation, the Deputy Removal of Commissioner may remove from office any Chaudhari.
- 136. A Chaudhari who is found negligent in the performance of Punishment any duty assigned to him by or under this Regulation shall be liable, of Chaudharis, under the orders of the Tehsildar, to a fine which may extend to twenty rupees.
- 137. Where a Chaudhari is temporarily unable to perform his Appointment duties, the Sub-Divisional Officer may, on his application or other-Chaudharl. wise, appoint a substitute for a period not exceeding six months and the substitute so appointed shall, for all the purposes of this Regulation, be deemed to be a Chaudhari.
- 138. Notwithstanding anything contained in this Regulation, the Entrustment Chief Commissioner may, subject to such conditions, as may be prescribed, entrust the management of a village or the performance of and duties of the duties assigned to a Chaudhari by or under this Regulation to Chaudhari. a Gram Panchayat:

Provided that no such entrustment shall be made except with the consent of the Gram Panchayat.

B.—Chaukidar

- 139. For each village or group of villages, there shall be appoint- Appointment of Chaukied, in accordance with the rules made under this Regulation, one dars, and or more Chaukidars for the performance of such duties as may be their duties. prescribed.
- 140. The remuneration of Chaukidars shall be fixed by the Deputy Remuneration of Commissioner in accordance with the rules made under this Chaukidars. Regulation.

CHAPTER XIII

TENURE HOLDERS

- 141. There shall be the following classes of tenants, namely:— Classes of tenants.
 - (i) Occupancy tenants;
 - (ii) Non-occupancy tenants;
 - (iii) Grantees; and
 - (iv) Licensees.

Occupancy tenants.

- 142. Every person belonging to any of the following classes shall be called an occupancy tenant and shall have all the rights and be subject to all the liabilities conferred or imposed upon an occupancy tenant by or under this Regulation, namely:—
 - (a) every person who, immediately before the commencement of this Regulation, had acquired the right of occupancy under the provisions of the Andaman and Nicobar Islands (Land Tenure) Regulation, 1926;
 - (b) every person who has, as a non-occupancy tenant, cultivated any holding, not being a holding situate within the local limits of the Port Blair Municipal Board, continuously for a period of two years from the commencement of this Regulation or of such tenancy, whichever is later, in accordance with the provisions of this Regulation and is not in arrears of land revenue.

Non-occupancy tenants.

- 143. Every person belonging to any of the following classes shall be called a non-occupancy tenant and shall have all the rights and be subject to all the liabilities conferred or imposed upon a non-occupancy tenant by or under this Regulation, namely:—
 - (a) every person who, immediately before the commencement of this Regulation, was a non-occupancy tenant under the provisions of the Andaman and Nicobar Islands (Land Tenure) Regulation, 1926;

3 of 1926.

3 of 1926,

(b) every person who is granted a licence under clause (ii) of section 146 in respect of any agricultural land.

Grantees.

- 144. (1) Every person belonging to any of the following classes shall be called a grantee and shall have all the rights and be subject to all the liabilities conferred or imposed upon a grantee by or under this Regulation, namely:—
 - (a) every person who, immediately before the commencement of this Regulation, was in occupation of any land in pursuance of a grant made under the Andaman and Nicobar Islands (Land Tenure) Regulation, 1926;

3 of 1926.

- (b) every person to whom a grant is made under clause (i) of section 146.
- (2) Notwithstanding anything contained in sub-section (1), every person who, not being an occupancy or non-occupancy tenant, is in possession of any coconut or arecanut plantation in the Nicobars immediately before the commencement of this Regulation otherwise than in pursuance of a grant or licence made or granted under the

3 of 1926.

Andaman and Nicobar Islands (Land Tenure) Regulation, 1926, shall be deemed to be a grantee thereof for the purpose of this Regulation for such period as the Chief Commissioner may by notification specify from time to time.

Explanation.—In this sub-section "Nicobars" means all the Islands comprised in the Union territory of the Andaman and Nicobar Islands lying south of 10 Degree Channel.

- 145. Every person belonging to any of the following classes shall Licensees. be called a licensee and shall have all the rights and be subject to all the liabilities conferred or imposed upon a licensee by or under this Regulation, namely:—
 - (a) every person who, immediately before the commencement of this Regulation, was in occupation of any land in pursuance of a licence granted under the provisions of the Andaman and Nicobar Islands (Land Tenure) Regulation, 1926;
 - (b) every person who is granted a licence in respect of any non-agricultural land under clause (ii) of section 146.
- 146. The Chief Commissioner may, on such terms and subject to Power to such conditions as he thinks fit,—

 such conditions as he thinks fit,—

 and licences.
 - (i) make to any person, for the cultivation of coconuts, coffee, rubber and other long-lived crops and for the construction of buildings and works to be used for the purpose of, or in connection with, such cultivation, a grant of land for any period not exceeding thirty years with an option for renewal for a like period:

Provided that for the cultivation of rubber crop a longer period may be specified by the Chief Commissioner with the approval of the Government;

- (ii) grant a licence in writing to any person to occupy any land to such extent and for such purposes as may be prescribed.
- 147. A licence whether granted either before or after the com-Licensee to mencement of this Regulation to occupy land and construct a build-construct a building thereon may be liable to be cancelled if the licensee fails to construct the building on the site within a period of two years from the date of grant of the licence or such further time as the Chief Commissioner may allow.
- 148. Subject to his personal law, the interest of a tenant in his Devolution. holding shall, on his death, pass by inheritance, survivorship or bequest, as the case may be.

g of 1926.

Sub-letting.

149. (1) Subject to the provisions of sub-sections (2) and (3) no tenant shall, after the commencement of this Regulation, sub-let for any period whatsoever any agricultural land comprised in his holding:

Provided that nothing in this sub-section shall prevent a tenant, who is a member of a registered co-operative farming society from sub-letting any such land to such society.

- (2) A tenant who is—
 - (i) a person under disability; or
- (ii) a person, being a permanent resident of the Union territory of the Andaman and Nicobar Islands, but in the service of the Union and employed in the main land of India; or
 - (iii) a public, charitable or religious institution; or
- (iv) a local authority or a co-operative society, may sub-let the whole or any part of his or its holding:

Provided that where a holding is held jointly by more than one person, the provisions of this sub-section shall not be applicable unless all such persons belong to any one or more of the classes aforesaid:

Provided further that any sub-letting made in pursuance of this sub-section shall cease to be in force on the expiry of the agricultural year immediately following the date on which such person ceases to belong to any one or more of the classes aforesaid.

- (3) Where on account of any unforeseen calamity a tenant is unable to cultivate his holding and obtains a certificate in that behalf from the Tehsildar, he may sub-let the whole or any part of his holding for one year during any consecutive period of three years.
- (4) Where a tenant had sub-let any agricultural land immediately before the commencement of this Regulation and the period for which such land was sub-let is not over at such commencement, the person to whom such land had been sub-let shall be entitled to remain in possession thereof after such commencement for the remaining period for which such land was sub-let or until the expiry of the agricultural year immediately following such commencement whichever is earlier.
- (5) The rent payable by a sub-tenant in respect of any agricultural land held by him shall not exceed,—
 - (a) where the rent is payable in kind as a share of the produce, one-fourth of the produce in such land or its value calculated in the prescribed manner, if plough cattle for the cultivation

of such land is supplied by the tenant, and one-fifth of such produce or its value as so calculated, it such plough cattle is not supplied by the tenant;

- (b) in any other case, four times the land revenue payable in respect of the land.
- (6) The rent payable by a sub-tenant shall, subject to the provisions of sub-section (5), be the rent agreed upon between him and the tenant or where there is no such agreement the reasonable rent which shall be determined in the prescribed manner.
- (7) The rent shall be paid at such time and in such manner as may be agreed upon or, in the absence of such agreement, as may be prescribed.
- (8) Every tenant receiving rent shall give or cause to be given to the sub-tenant a receipt for the same in such form as may be prescribed duly signed by him or his authorised agent.
- 150. Where a tenant sub-lets any holding or part thereof in con-Effect of travention of the provisions of section 149 such tenant and the per-sub-letting contravens on to whom the holding or part thereof has been sub-let shall, not-tion of withstanding anything contained in any law, be liable to ejectment section 149, from such holding or part thereof.
- 151. (1) A tenant shall be liable to be ejected from his holding bjectment of by an order of the Sub-Divisional Officer, made on any of the follow-tenant ing grounds, namely:—
 - (a) he has done any act which is destructive or permanently injurious to the land comprising the holding; or
 - (b) he has used such land for any purpose other than that for which it was given; or
 - (c) he has transferred his interest in such land in contravention of the provisions of this Regulation or any rule made thereunder.
- (2) No order under sub-section (1) shall be passed unless the Sub-Divisional Officer has, by notice, called upon the tenant to show cause against his ejectment.
- (3) No order for ejectment shall be executed before the 1st day of February or after the 30th day of April in any year.
- 152. (1) Where an occupancy tenant or a non-occupancy tenant Abandon-leaves the locality in which he usually resides without making any ment of arrangement for the cultivation of his holding or when a grantee leaves the village in which he usually resides without making proper

arrangement for the maintenance of the holding given under the grant, for a continuous period for two agricultural years, the Sub-Divisional Officer, may, after such enquiry as he may deem necessary, take possession of the land comprising the holding and arrange for its cultivation and upkeep by letting it out for a period of one agricultural year at a time on behalf of such occupancy tenant, non-occupancy tenant or grantee.

- (2) Where such occupancy tenant, non-occupancy tenant or grantee or any other person lawfully entitled to the land claims it within a period of three years from the commencement of the agricultural year next following the date on which the Sub-Divisional Officer took possession of the land, it shall be restored to him on payment of the dues, if any, and on such terms and conditions as the Sub-Divisional Officer may think fit.
- (3) Where no claim is preferred under sub-section (2) or if a claim is preferred and disallowed the Sub-Divisional Officer shall make an order declaring the holding abandoned and the holding shall vest absolutely in the Government from such date as may be specified in that behalf in the order.
- (4) Where a holding is declared abandoned under sub-section (3), the liability of such occupancy tenant, non-occupancy tenant or grantee for the arrears of revenue due from him in respect thereof shall stand discharged.

Surrender.

- 153. (1) Subject to the provisions of this Regulation, a tenant may surrender his holding or any part thereof by making an application in writing to the Tehsildar intimating his intention to do so and by giving possession thereof whether such holding is or is not let.
- (2) Notwithstanding the surrender, unless the tenant applies before the first day of February in any year he shall be liable to pay the land revenue for the holding for the agricultural year next following the date of surrender.
- (3) Where only a part of the holding has been surrendered the Tehsildar shall apportion the assessment of the holding, in accordance with the rules made under this Regulation.

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- 154. (1) An occupancy tenant, a non-occupancy tenant or a grantee may, by agreement, exchange any land comprised in his holding with the land of any other tenant of the same class with the previous permission of the Sub-Divisional Officer.
- (2) When any land is exchanged under sub-section (1), a tenant shall have the same rights in the land so received by him in exchange as he had in the land given by him in exchange.

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- (3) Where the Sub-Divisional Officer permits any exchange under sub-section (1) he shall also order the relevant records to be corrected accordingly.
- 155. (1) A tenant may sue in the court of the Sub-Divisional Partition. Officer for partition of his share in a holding comprising of agricultural land:

Provided that where any question of title is raised no such partition shall be made, until such question has been decided by a civil court.

- (2) The Sub-Divisional Officer may, after hearing the co-tenure holders, divide the holding and apportion the assessment of the holding in accordance with the rules made under this Regulation.
- (3) No partition shall be allowed if it results in creating a holding, the area of which will be below two hectares.
- (4) Where in the course of partition the area of the holding of a co-tenure holder falls below two hectares, the Sub-Divisional Officer may, on an application being made in this behalf by such co-tenure holder, direct the sale of his interest in the holding to another cotenure holder willing to purchase such interest at the price determined by the Sub-Divisional Officer in accordance with the rules made under this Regulation:

Provided that if two or more co-tenure holders are willing to purchase such interest, the Sub-Divisional Officer shall order the sale to the co-tenure holder who offers to pay the highest price above the price determined by him.

- (5) If none of the co-tenure holders is willing to purchase the share of the co-tenure holder intending to sell his interest in holding in accordance with sub-section (4), the Sub-Divisional Officer shall direct the sale of the interest of the co-tenure holders in the entire holding by public auction and shall distribute the proceeds of the sale after deducting the expenses of the sale among the co-tenure holders in accordance with their respective interests in the holdings.
- (6) One suit may be instituted for the partition of more than one holding where all the parties to the suit are jointly interested in each of the holdings.
- 156. (1) Subject to the provisions of this section all trees standing Rights to in the holding of an occupancy tenant shall belong to him.
- (2) The transfer by an occupancy tenant of any trees standing in any land comprised in his holding except the produce of such trees shall be void unless his interest in the land itself is transferred.

- (3) Trees standing in any land comprised in the holding of an occupancy tenant shall not be attached or sold in execution of a decree or order of a civil court or under an order of a revenue officer or under an order made in pursuance of the provisions of any law for the time being in force unless his interest in the land itself is attached or sold.
- (4) All commercial trees standing in the holding of an occupancy tenant shall belong to the Government and it shall be the duty of the Government to remove or cause to be removed such trees from the holding within a period of five years from the commencement of this Regulation or the acquisition of the occupancy right by the tenant, whichever is later:

Provided that where the Chief Commissioner is of opinion that it is not practicable to remove such trees within the said period of five years, he may, by notification, extend the said period of five years generally or in relation to any specified holding or class of holdings by such further period or periods as he thinks fit; so, however, that the total period so extended shall not, in any case, exceed one year.

(5) If any such trees are not removed within the aforesaid period or the period so extended, such trees shall, on the expiry of that period, belong to the occupancy tenant.

Right to make 1 mprovement. 157. (1) A tenant shall be entitled to make any improvement in his holding for the better cultivation of the land or its more convenient use:

Provided that he shall not plant trees in such a way as to diminish the value of any land not included in his holding.

- (2) If a tenant plants, or proposes to plant, trees in such a way as to diminish the value of any land not included in his holding, any person affected thereby may apply to the Tehsildar for prohibiting the planting of trees on such land or directing the tenant to remove the trees already planted thereon and the Tehsildar may, after nearing the parties, either grant the application subject to such conditions as he thinks fit or reject it.
- (3) If a tenant has effected any improvement on any land comprised in his holding and his interest in the holding is extinguished under clause (b) or clause (c) or clause (e) of section 162, he shall be entitled to receive, on such extinguishment, such compensation for it as the revenue officer may determine in accordance with the provisions of sub-section (4).

- (4) The amount of compensation determined by the revenue officer shall be the value of the improvement at the time of extinguishment of the tenancy, estimated with due regard to—
 - (a) the amount by which the value of the interest of the tenant in the land has increased by the improvement;
 - (b) the condition of the improvement at the time of determination of compensation and the probable duration of its effect;
 - (c) the labour and capital provided or spent by the tenant for the making of the improvement; and
 - (d) any other matter which may be prescribed.
- 158. (1) At any time during the currency of any settlement the Reduction of Deputy Commissioner in ay, in accordance with the rules made under revenue this Regulation, on the application of a tenant or of his own motion during the currency of reduce the land revenue in respect of any land on any of the follow-settlement, ing grounds, namely:—

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- (i) that the land has been wholly or partially rendered unfit for cultivation in consequence of floods or other cause beyond the control of such tenant;
- (ii) that the area of the holding of the tenant has diminished for any reason, below the area in relation to which the land revenue was assessed.
- (2) Where any reduction is ordered under sub-section (1), such reduction shall take effect from the commencement of the revenue year next following the date of the order.
- (3) If the cause for which land revenue has been reduced under sub-section (1) subsequently ceases or is removed, the Deputy Commissioner may, after giving the tenant a reasonable opportunity of being heard, make an order directing that such reduction shall cease to be in force and on such order being made, the reduction shall stand removed from the commencement of the revenue year next following the date of the order.
- 159. (1) (a) Subject to the provisions of section 186 an occupancy Right of tenant may transfer any interest in his land:

Provided that an occupancy tenant, from whom any amount by way of loan or otherwise is due to the Government, shall not transfer such interest except with the previous permission in writing of the Deputy Commissioner.

(b) A grantee may transfer any interest in his land with the previous permission in writing of the Chief Commissioner.

- (2) Notwithstanding anything contained in sub-section (1),—
- (i) no mortgage of his interest in any land by an occupancy tenant shall be valid unless at least two hectares of land is left with him free from any encumbrance or charge;
- (ii) no occupancy tenant shall have the right to transfer his interest in any land if after such transfer the total extent of the land held by him will be reduced below two hectares:

Provided that nothing in this clause shall apply to such transfer in favour of a co-operative society or an institution established for a public, religious or charitable purpose;

- (iii) the right of an occupancy tenant or a grantee belonging to any Scheduled Tribe shall not be transferred to a person not belonging to such Tribe without the previous permission of a revenue officer not below the rank of a Deputy Commissioner, given for reasons to be recorded in writing.
- (3) Notwithstanding anything contained in sub-section (1) or any other law for the time being in force.—
 - (a) the interest of an occupancy tenant in any land the extent of which is two hectares or less, shall not be liable to be attached or sold in execution of any decree or order of any court:
 - (b) the interest of an occupancy tenant or a grantee belonging to any Scheduled Tribe in his land shall not be liable to be attached or sold in execution of any decree or order of any court.
 - (4) Nothing in this section shall—
 - (a) prevent an occupancy tenant or a grantee from transfering his interest in any land to secure payment of, or shall affect the right of the Government to sell such right for the recovery of, an advance made to him under the Land Improvement Loans 19 of 1883. Act, 1883 or the Agriculturists Loans Act, 1884;

12 of 1284.

- (b) prevent a grantee from transferring his interest in any land to secure payment of an advance made to him by a cooperative society; or
- (c) affect the right of any such society to sell such interest for the recovery of such advance.
- (5) Where an occupancy tenant effects a mortgage other than a usufructuary mortgage of his interest in the land, then, notwithstanding anything contained in the mortgage deed, the total amount of

interest accruing under the mortgage shall not exceed one-half of the principal amount advanced by the mortgage's.

16 of 1908.

- (6) Notwithstanding anything contained in the Indian Registration Act, 1908, no officer empowered to register documents thereunder shall admit to registration any accument which purports to contravene the provisions of this section.
- (7) Nothing in this section shall apply to any transfer of his interest in any land made by an occupancy tenant or a grantee before the commencement of this Regulation.
- (8) The interest of a non-occupancy tenant shall be non-transferable.
- (9) The interest of a licensee of non-agricultural land shall not be transferable except with the previous permission in writing of the Chief Commissioner:

Provided that where within a period of sixty days after the receipt of any application from any licensee for permission to transfer his interest in any non-agricultural land, being a house site, the Chief Commissioner does not refuse permission or upon refusal, does not communicate the refusal to the licensee, then, the Chief Commissioner shall be deemed to have granted permission for such transfer.

Explanation.—For the purpose of this section "Scheduled Tribe" shall have the same meaning as in clause (25) of article 366 of the Constitution

160. If a transfer of interest in land is made in contravention of Forfeiture in the provisions of clause (ii) of sub-section (2) of section 159 the intercertain est so transferred shall stand forfeited to the Government in accord- transfers. ance with such rules as may be made in that behalf.

161. (1) If after the commencement of this Regulation any tenant Reinstateis dispossessed of any land held by him otherwise than by process of wrongfully law, he may within two years from the date of such dispossession, ejected apply to the Tehsildar for his reinstatement in such land.

- (2) On receipt of an application under sub-section (1), the Tehsildar shall, after making an enquiry into the respective claims of the parties, pass orders on the application and when he orders the restoration of possession to the tenant, put him in possession of the land.
- (3) The Tehsildar may, at any stage of the enquiry under subsection (2), pass an interim order for delivery of possession of the

land to the applicant, if he finds that the applicant was dispossessed by the opposite party within six months prior to the date of submission of the application under sub-section (1) and if possession is not delivered to the applicant, the Tehsildar shall cause the opposite party to be ejected.

- (4) When an interim order has been passed under sub-section (3), the opposite party may be required by the Tehsildar, to execute a bond for such sum as he may deem fit for abstaining from taking possession of the land until the final order is passed by him.
- (5) If the person executing the bond under sub-section (4) is found to have entered into, or taken possession of, the land in contravention of the bond, the Tehsildar may forfeit the bond in whole or in part and may recover such amount from such person as an arrear of land revenue.
- (6) If the order passed under sub-section (2) is in favour of the applicant, the Tehsildar shall also award a reasonable compensation to be paid to the applicant by the opposite party:

Provided that the amount of compensation shall not exceed ten times the land revenue payable in respect of the land for each year's occupation.

(7) Any compensation awarded under this section shall be recoverable as an arrear of land revenue.

Extinguishment of tenancies.

- 162. The interest of a tenant in his holding or any part thereof shall be extinguished,—
 - (a) when he dies leaving no heir entitled to his interest under this Regulation; or
 - (b) when he surrenders his holding or such part; or
 - (c) when the holding or such part has been transferred, letout or used in contravention of the provisions of this Regulation; or
 - (d) when the land comprised in the holding has been acquired under any law for the time being in force, relating to acquisition of land; or
 - (e) when he has been ejected under this Regulation; or
 - (f) when he has been deprived of possession and his right to recover possession is barred by limitation; or
 - (g) when his holding is declared as abandoned.

CHAPTER XIV

CONSOLIDATION OF HOLDINGS

163. In this Chapter,—

Definitions.

- (i) "consolidation of holdings" means the redistribution of or any of the land in a village, so as to allot to the tenants contiguous plots of land for the convenience of cultivation;
- (ii) "consolidation officer" means a revenue officer, not below the rank of a Tehsildar, appointed by the Chief Commissioner for any district or districts to exercise the powers, and to perform the duties of a consolidation officer under this Regulation;
- (iii) "scheme" means a scheme for the consolidation of holdings;
- (iv) "tenant" does not include a grantee or a licensee of non-agricultural land.
- 164. (1) Any two or more tenants in a village holding together Initiation of not less than the prescribed minimum area of land may apply in consolidation, stating such particulars as may be prescribed, to the con-proceedings. solidation officer for the consolidation of their holdings.
- (2) The Deputy Commissioner may of his own motion direct the consolidation officer to make an enquiry into the feasibility of consolidation of holdings in any village.
- (3) If two-thirds of the tenants in a village apply for consolidation of their holdings or if in the course of an enquiry conducted in pursuance of an application made under sub-section (1) or in pursuance of a direction under sub-section (2), two-thirds of the tenants of any village make an application agreeing to the consolidation of their holdings, such application shall be deemed to be an application on behalf of all the tenants of the village.
- 165. (1) If on receipt of any such application or at any stage of Rejection of the proceedings thereon, there appears to be good and sufficient reason for disallowing the application or for excluding the case of any applicant from consideration, the consolidation officer may submit the application to the Deputy Commissioner with a recommendation that the application be rejected in whole or in part.
- (2) The Deputy Commissioner, on receipt of the recommendation, may accept it and pass orders accordingly or may order further inquiry.

Admission of application.

166. If the consolidation officer admits the application he shall proceed to deal with the same in accordance with the procedure laid down by or under this Regulation.

Preparation of scheme for consolidation of holdings.

- 167. (1) If the tenants making the application under section 164 submit a scheme mutually agreed to, the consolidation officer shall, in such manner as may be prescribed, examine it and, if necessary, modify it.
- (2) If no scheme is submitted with the application, the consolidation officer shall prepare a scheme in such manner as may be prescribed and invite chiections, if any, on the scheme in the prescribed manner from the persons likely to be affected thereby.
- (3) If the consolidation officer is of opinion that the redistribution of land in accordance with the scheme will have the result of alloting to any tenant an interest in any holding or land of a less market or productive value than that of his interest in the original holding or land the scheme may provide for the payment of compensation to such tenant by such person or persons as the consolidation officer may direct.
- (4) The amount of compensation payable under sub-section (3) shall be calculated as nearly as may be, in accordance with the provisions of the I and Acquisition Act, 1894.

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(5) When the scheme is complete, the consolidation officer, after considering and as far as possible removing the objections, if any, made to the scheme, shall submit it for confirmation to the Deputy Commissioner.

Confirmation of scheme. 168. The Denuty Commissioner may either confirm the scheme with or without modifications or refuse to confirm it after considering the objection or objections if any, to the scheme and the recommendation of the consolidation officer, and the decision of the Deputy Commissioner shall subject to any order that may be passed in revision by the Chief Commissioner under section 33, be final.

Consequences of confirmation.

- 169 (1) When a scheme is confirmed—
- (i) it shall be binding if the scheme is in relation to a case falling under sub-section (3) of section 164, on all the tenants of the village and on all persons who may subsequently be entitled to hold or occupy the land affected by the scheme and, in any other case, on the applicants and those who have agreed to the consolidation of their holdings and on all persons who may subsequently be entitled to hold or occupy the land affected by the scheme;

- (ii) the consolidation officer shall, if necessary, demarcate the boundaries of the holdings and shall proceed to announce the decisions finally made and cause to be prepared in accordance with the scheme a new field map, record of rights, other records prescribed under section 88 and Nistar Patrak (village administration paper).
- (2) The new records prepared under sub-section (1) shall be deemed to have been prepared under Chapter VIII or Chapter XVI, as the case may be.
- 170. The tenants on whom a scheme is binding shall be entitled Rights of to possession of the holdings allotted to them under the scheme, possession from the commencement of the agricultural year next following the of holdings. date of confirmation of the scheme; and the consolidation officer sha!1, if necessary, put them by warrant in possession of the holdings to which they are entitled:

Provided that if all the tenants agree, they may, after confirmation, be put into possession of the holdings to which they are entitled by the consolidation officer from any earlier date.

171. (1) Notwithstanding anything contained in this Regulation, Transfer of the rights of tenants in their holdings shall, for the purpose of giving tenants in effect to any scheme affecting them, be transferable by exchange or holdings. otherwise and no person shall be entitled to object to or interfere with any transfer made for the said purpose.

- (2) The consolidation officer may also transfer by exchange or otherwise any land belonging to the Government where such transfer is necessary for the purpose of giving effect to any scheme.
- 172. Notwithstanding anything contained in any law for the time being in No instruforcement necessary to
 - (a) no instrument in writing shall be necessary in order to give effect transfer. effect to a transfer involved in carrying out any scheme; and
 - (b) no such instrument, if executed, shall require registration.
- 173. (1) The consolidation officer shall, unless the Chief Commissioner Cost of for sufficient reasons directs otherwise, recover from the tenants whose hold scheme. ings are affected by the scheme the costs of carrying out the scheme which shall be assessed in accordance with the rules made under this Regulation.
- (2) The consolidation officer shall apportion the costs among the tenants liable to pay the same according to the occupied area of the holdings affected by the scheme.

Recovery of compensation and costs.

174. Any amount payable as compensation under sub-section (3) of section 167 or sub-section (2) of section 178, shall be recoverable as an arrear of land revenue.

Suspension of partition proceedings during currency of proceedings.

175. When an application for the consolidation of holdings has been admitted under section 166, no proceedings for partition of the holdings which will affect the scheme shall be commenced and all such proceedings pending consolidation shall remain in abeyance during the continuance of the consolidation proceedings.

Transfer of property during proeecdings.

176. Notwithstanding anything contained in this Regulation when an application for the consolidation of holdings has been admitted under section 166, no tenant upon whom the scheme will be binding shall have power. during the continuance of the consolidation proceedings, to transfer or otherwise deal with his interest in any part of his original holding or land so as to affect the rights of any other tenant thereto under the scheme.

Rights of consolidation to be the name as before.

177. A tenant shall have the same rights in the holding or land allotted to tenants after him in pursuance of a scheme as he had in his original holding or land.

Encumbrances of tonants.

- 178. (1) If the holding of any tenant included in a scheme was burdened with a lease, mortgage or other encumbrance, such lease, mortgage or other encumbrance, shall be transferred therefrom and attach itself to the holding allotted to him under the scheme or to such part of it as the consolidation officer may determine and thereafter the lessee, mortgagee or other encumbrancer, as the case may be, shall exercise his rights accordingly.
- (2) If the holding to which a lease, mortgage or other encumbrance is transferred under sub-section (1), is of a less market value than the original holding from which it is transferred, the lessee, mortgagee or other encumbrancer, as the case may be, shall be entitled to the payment of such compensation by the person concerned as the consolidation officer may determine.
- (3) Notwithstanding anything contained in sub-section (1) or any other law for the time being in force the consolidation officer shall, if necessary put any lessee or any mortgagee or other encumbrancer entitled to possession by warrant into possession of the holding or part of a holding to which his lease, mortgage or other encumbrance has been transferred under sub-section (z).

CHAPTER XV

CO-OPERATIVE FARMS

- 179. Any ten or more occupancy tenants holding between them twelve Formation hectares or more of land in any circle referred to in section 79 or section 80 tive farm. and desiring to start a co-operative farm, may apply in writing to the Registrar appointed under the Co-operative Societies Act, 1912, hereinafter referred to as the "Registrar", for the registration thereof.
 - 180. An application for the registration of a co-operative farm shall be Application accompanied by extracts from the record-of-rights showing the total area tion. with the recorded numbers of all the fields held by each of the applicants in the circle and shall contain such further particulars as may be prescribed.
- 181. The Registrar may, if he is satisfied after such enquiry as may be Registration prescribed that the application has been duly made, register the co-operative of co-operafarm under the Co-operative Societies Act, 1912, and grant a certificate of 2 of 1912. registration.
 - 182. When a co-operative farm has been registered under section 181 Land held by a member all lands in the circle held by the members shall, for so long as the registra- to be transtion of the co-operative farm is not cancelled, be deemed to be transferred to farm. and held by the co-operative farm which shall thereupon hold such land in accordance with the provisions of this Chapter, and may, notwithstanding anything contained in this Regulation, use it for purposes of agriculture or for the development of cottage industries.
 - 183. When a certificate of registration in respect of any co-operative Consefarm has been granted under section 181, the provisions of the Co-opera-registration. tive Societies Act, 1912 shall, in so far as they are not inconsistent with the provisions of this Regulation or the rules made thereunder, be applicable thereto.
 - 184. Every application submitted under section 179 shall be accom-Byo-laws of panied with a copy of the proposed bye-laws of the co-operative farm and the farm. such bye-laws shall be deemed to be the bye-laws required to be filed under aub-section (3) of section 8 of the Co-operative Societies Act, 1912.
 - 185. Nothing in this Chapter shall be construed to mean that the inter- Land est of an occupancy tenant in the land contributed to the co-operative farm contributed has ceased to vest in him.

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Disposition of land contributed to the farm.

186. No member of a co-operative farm shall be entitled to make any disposition of any land contributed by him to the farm.

Rights, privileges, obligations and liabilities of members. 187. Every member of a co-operative farm shall be entitled to such rights and privileges, be subject to such obligations and liabilities and be bound to discharge such duties as may be conferred or imposed upon him by or under this Regulation.

Contribution by a member.

- 188. Subject to such exceptions as may be prescribed, every member shall be bound to contribute to the co-operative farm to such extent and in such manner as may be prescribed—
 - (i) funds;
 - (ii) personal labour;
 - (iii) agricultural implements and such other articles as may be prescribed.

Liability of the farm to pay land revenue and other dues. 189. The co-operative farm shall, as from the date it is constituted, be liable for the payment of all the land revenue and cesses in respect of the land held by it.

Admission of new members.

190. Any person, who is a resident of the circle where the co-operative farm is situated or who intends to scale down in the circle or who cultivates land therein may be admitted as a member thereof upon such terms and conditions as may be laid down by the farm.

Heirs entitled to become members of the farm. 191. When a member, whose land is held by a co-operative farm, cues his heirs entitled to his interest under section 148, shall become members of the co-operative farm.

Concessions and facilities for the co-operative farm.

- 192. (1) A co-operative farm shall be entitled to such concessions and facilities as may be prescribed.
- (2) Without prejudice to the generality of the foregoing provision, the concessions and facilities may include—
 - (a) reduction of land revenue,
 - (b) reduction of, or exemption from, agricultural income-tax,
 - (c) free technical advice from experts employed by the Government,
 - (d) financial aid and grant of subsidy and loans with or without interest.

Provisions of 193. The provisions of this Chapter shall mutatis mutandis apply in Chapter to apply to relation to grantees as they apply in relation to occupancy tenants. grantees.

CHAPTER XVI

RIGHTS IN ABADI AND UNOCCUPIED LAND AND ITS PRODUCE

- 194. A record of all unoccupied land shall be prepared and maintain-Record of ed for every village in such manner as may be prescribed.

 Record of unoccupied land.
- 195. (I) The Deputy Commissioner shall, consistent with the provi-Preparation of Nistar sions of this Regulation and the rules made thereunder, prepare a Nistar Patrak. Patrak (village administration paper) embodying a scheme of management of all unoccupied land in a village and all matters incidental thereto and including in particular matters specified in section 196.
- (2) A draft of the Nistar Patrak shall be published in the village and after ascertaining the wishes of the residents of the village in the prescribed manner, the Deputy Commissioner may finalise the draft with or without modifications.
- (3) On a request being made by the Gram Sabha, or where there is no Gram Sabha, on the application of not less than one-fourth of the adult residents of a village, or of his own motion the Deputy Commissioner may, at any time, modify any provision in the Nistar Patrak after such enquiry as he deems fit.
- 196. The following matters shall be provided in the Nistar Patrak Matters to be provided referred to in section 195, namely:—

 196. The following matters shall be provided in the Nistar Patrak Matters to be provided for in Nistar Patrak.
 - (a) the terms and conditions on which grazing of cattle in the village may be permitted;
 - (b) the terms and conditions on which and the extent to which any resident of the village may obtain—
 - (i) wood, timber, fuel or any other forest produce,
 - (ii) mooram, kankar, earth, or any minor mineral;
 - (c) the instructions regulating generally the grazing of cattle and the removal of the articles mentioned in clause (b);
 - (d) any other matter required to be recorded in the Nistar Patrak by or under this Regulation.

Explanation.—In this section and in section 197 the expression "minor minerals" shall have the meaning assigned to it in clause (e) of section 2 of the Mines and Minerals (Regulation and Development) Act, 57 of 1957.

- 197. In preparing the Nistar Patruk as provided in section 196 the Provision in Nistar Patruk

 Deputy Commissioner shall, as far as possible, make provision for—

 for certain matters,
 - (a) free grazing of the cattle used for agriculture;

- (b) removal, free of charge, by residents of the village for their bona fide domestic consumption of—
 - (i) forest produce,
 - (ii)"minor minerals;
- (s) concessions to be granted to the village craftsmen for the removal of forest produce or minor minerals for the purpose of their craft.

Deputy Commisapart unoccupied land for certain purposes.

- 198. (1) Subject to such rules as may be made under this Regulation, afoner to set the Deputy Commissioner may set apart unoccupied land for the following purposes, namely:---
 - (a) for timber or fuel reserve;
 - (b) for pasture or fodder reserve;
 - (c) for burial ground and cremation ground;
 - (d) for keeping cattle;
 - (e) for encamping ground;
 - (f) for threshing floor;
 - (R) for bazar;
 - (h) for skinning ground;
 - (i) for manure pits;
 - (1) for any public purpose such as schools, playgrounds, parks, roads, lanes and drains;
 - (k) for any other purposes which may be prescribed.
 - (2) Lands set apart specially for any purpose mentioned in sub-section (1) shall not otherwise be diverted for any other purpose without the previous sanction of the Deputy Commissioner.
 - (3) Notwithstanding anything contained in this section, if the Deputy Commissioner is satisfied that any unoccupied land set apart for any of the purposes mentioned in sub-section (1) is not immediately required or suitable for such purpose, he may allot such land to such persons, for uch periods and purposes and on such terms and conditions, as may be prescribed.
 - (4) Where any land is allotted under sub-section (3), nothing in Chapter XIII shall apply to the allottee of such land.

Prohibition of cutting of certain trees.

199. If the Chief Commissioner is of opinion that the cutting of any trees in any unoccupied land is detrimental to public interest or that it is necessary to prohibit or regulate the cutting of any trees in such land for preventing soil erosion, he may, by general or special order, prohibit or regulate the cutting of such trees.

- 200. Where the area reserved for abadi is, in the opinion of the Deputy Abadi. Commissioner, insufficient, he may reserve such further area for abadi from the unoccupied land in the village as he may think fit.
- **201.** (1) The Government reserves the right, in respect of every land Governto and over the foreshore, quarries, mines, stone, slate, chalk, clay, precious ment's title to minerals. stones, gold washing, coal and other minerals and mineral oils, and also to all stream water courses and public thoroughfares within or traversing the said lands or any part thereof, unless any or all of them are expressly specified for alienation in any instrument made by the Government.

- (2) The right to all mines and quarries includes the right of access to land for the purpose of mining and quarrying and the right to occupy such other land as may be necessary for purposes subsidiary thereto, including the erection of offices, workmen's dwellings, machinery, the stacking of minerals and deposit of refuse, the construction of roads or tram-lines and any other purposes which the Government may declare to be subsidiary to mining and quarrying.
- (3) If the Government has assigned to any person its right over any minerals, mines or quarries, and if for the proper enjoyment of such right it is necessary that all or any of the powers specified in sub-section (2) should be exercised, the Deputy Commissioner may, by order in writing and subject to such conditions and reservations as he may specify, authorise the person to whom such right has been assigned to exercise such powers:

Provided that no such authorisation shall be made until notice has been duly served on all persons having rights in the land affected, and their objections have been heard and considered.

(4) If, in the exercise of any right over any land under this section, the rights of any person are infringed by the occupation or disturbance of such land, the Government or its assignee shall pay to such person compensation for such infringement and the amount of such compensation shall be calculated by the Sub-Divisional Officer, or if his award is not accepted. by the civil court, as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1894.

I of 1894.

(5) If an assignee of the Government fails to pay compensation as provided in sub-section (4), the Deputy Commissioner may recover such compensation from him on behalf of the persons entitled to it, as if it were an arrear of land revenue.

(6) If any person who without lawful authority extracts or removes minerals from any mine or quarry, the right to which vests in, and has not been assigned to him by, the Government, he shall, without prejudice to any other action that may be taken against him, be liable on the order in writing of the Deputy Commissioner, to pay penalty not exceeding a sum calculated at double the market value of the minerals so extracted or removed:

Provided that if the sum so calculated is less than one thousand rupees he penalty may be such larger sum not exceeding one thousand rupees as the Deputy Commissioner may impose.

(7) Without prejudice to the provisions of sub-section (6), the Deputy Commissioner may seize and confiscate any mineral extracted or removed from any mine or quarry the right to which vests in, and has not been assigned by, the Government.

Penalty for occupation of land.

- 202. (1) Any person who unauthorisedly takes or remains in possession unauthorised of any unoccupied land or abadi may be summarily ejected by order of the Tehsildar and any crop which may be standing on the land and any building or other work which he may have constructed thereon, if not removed by him within such time as the Tehsildar may fix, shall be liable to forfeiture.
 - (2) Any property forfeited under sub-section (1) shall be disposed of in such manner as the Tehsildar may direct and the cost of removal of any crop, building or other work and of all works necessary to restore the land to its original condition shall be recoverable from such person as an arrear of land revenue.
 - (3) Such person shall, subject to the provisions of sub-section (5), also be liable, at the discretion of the Tehsildar, to a fine which may extend to two hundred and fifty rupees.
 - (4) The Tehsildar may apply the whole or any part of the fine imposed under sub-section (3) to compensate persons who may, in his opinion, have suffered loss or injury from such unauthorised occupation.
 - (5) If, in any case, the Tehsildar considers that circumstances of the case warrant imposition of a fine exceeding two hundred and fifty rupees he may refer the case to the Sub-Divisional Officer who shall then, after giving the party concerned an opportunity of being heard, pass such orders in respect of fine as he may deem fit.
 - (6) If any person ordered to be ejected under sub-section (1) has constructed any work of a permanent nature under a bona fide mistake, the may apply to the Deputy Commissioner for condonation of the encroachment

and the Deputy Commissioner may, if satisfied that the work was constructed under a bona fide mistake and that the land can be allowed to remain in the possession of such person without any serious detriment to public purpose, condone the encroachment under such terms as he may deem fit.

- (7) No order made under sub-section (1) shall prevent any person from establishing his rights in a civil court.
- (8) If notice of an intention to institute a suit is delivered to the Tehsildar, he shall desist from carrying out his order under sub-section (1) for a period of three months, and if such suit is filed within such period he shall stay his proceedings pending the decision of the civil court.
- 203. (1) Save as otherwise provided in this Chapter any person who Penalty for acts in contravention of the provisions of this Chapter or of the provisions tion of of the Nistar Patrak prepared under section 195 shall be liable to such provisions. penalty not exceeding two hundred rupees as the Sub-Divisional Officer may, after giving such person an opportunity to be heard, deem fit and the Sub-Divisional Officer may further order confiscation of any timber, forest produce, or any other produce which such person may have unlawfully appropriated or removed.

(2) Where the Sub-Divisional Officer passes an order imposing a penalty under this section, he may direct that the whole or any part of the penalty may be applied to meet the cost of such measures as may be necessary to prevent loss or injury to the public owing to such contravention.

CHAPTER XVII

MISCELLANEOUS

204. No suit or other proceeding shall, unless otherwise expressly Jurisdiction provided in this Regulation, lie or be instituted in any civil court courts with respect to any matter arising under and provided for by this excluded. Regulation.

7 of 1870.

- 205. Notwithstanding anything contained in the Court-fees Act, 1870, Court-fee. every application, appeal or other proceeding under this Regulation shall bear a court-fee stamp of such value as may be prescribed.
 - 206. No suit, prosecution or other proceeding shall lie-

(a) against any officer of the Government for anything in good faith taken in done or intended to be done under this Regulation;

Protection of action w. good faith.

(b) against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything in good faith done or intended to be done under this Regulation.

Power to exempt.

207. With the previous approval of the Government, the Chief Commissioner may, by notification, exempt any class of lands from all or any of the provisions of this Regulation.

Delegation of powers.

208. The Chief Commissioner may, by notification, delegate to any officer or authority subordinate to him any of the powers conferred on him or on any officer subordinate to him by this Regulation, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the notification.

Power to semove difficulties.

209. If any difficulty arises in giving effect to any provision of this Regulation, the Government may, as occasion requires, take any action not inconsistent with the provisions of this Regulation which may appear to it necessary for the purpose of removing the difficulty.

Power to make rules.

- 210. (1) The Chief Commissioner may, after previous publication, make rules for the purpose of carrying into effect the provisions of this Regulation.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (i) the manner of preservation or disposal of trees, brush-wood, jungles or other natural product under sub-section (2) of section 38;
 - (ii) the manner of assessment of land revenue under section 40;
 - (iii) the manner of assessment of land revenue on unassessed land under section 41;
 - (iv) the manner of inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes under section 45;
 - (v) the manner of measurement of lands to which revenue survey extends, construction of survey marks thereon, division of lands into survey numbers and grouping the survey numbers into villages, under section 49;
 - (vi) the manner of carrying out division of survey numbers into sub-divisions and the apportionment of the assessment of the survey number amongst the sub-divisions and the limit of the area or land revenue for recognition of sub-divisions of a survey number, under section 51;

- (vii) the records in which the area and assessment of survey numbers and sub-divisions of survey numbers may be entered under section 52;
- (viii) the form and the manner in which and the period for which the table of assessment rates may be prepared and published under section 55;
- (ix) the manner in which the estimated rental value of the land may be determined under sub-section (4) of section 58;
- (x) the manner in which notice of assessment may be given under section 59;
- (xi) the manner of altering the boundaries of a village, dividing a village into two or more villages or uniting two or more villages into one, under section 62;
- (xii) the manner of dividing lands in urban areas into plot numbers, recognising existing survey numbers as plot numbers, reconstituting plot numbers and forming new plot numbers, under section 68;
- (xiii) the manner of dividing plot numbers into sub-divisions and apportioning the assessment of plot numbers amongst the sub-divisions and the limits, either of area or of land revenue or both, in any local area for recognition of sub-divisions, under section 69;
- (xiv) the records in which the area and assessment of plot numbers and sub-divisions of plot numbers may be entered under section 70;
- (xv) the special purposes to which regard may be had in forming blocks under section 71;
- (xvi) the manner of publishing the standard rates under section 72;
- (xvii) the manner of determining the average annual letting value of lands, and of fixing standard rates of assessment on lands held for agricultural purposes under section 73;
 - (xviii) the duties of patwaris under section 79;
- (xix) the duties of revenue inspectors, town surveyors, assistant town surveyors and measurers under section 81;
- (xx) the authority by which the field map may be prepared under section 82;
- (xxi) the form and the manner in which the record-of-rights shall be prepared and maintained under section 83 and the particulars which may be included in the record-of-rights;
- (xxii) the form of acknowledgement to be given by the patwari under section 84 and sub-section (4) of section 85;

(xxiii) the officers by whom and the manner in which objection and entered in the register of mutations may be certified under sub-section (5), and the manner in which entries in the register of mutation may be transferred to the record-of-rights under sub-section (6), of section 85;

(xxiv) the preparation of land records under section 88;

(xxv) the officers by whom and the fees on payment of which certified copies of entries in the record-of-rights may be granted under section 94;

(xxvi) the restrictions and conditions subject to which and the fees on payment of which the public may be allowed to inspect maps and land records under section 95;

(xxvii) the specification of, and the manner of construction and maintenance of, boundary marks of villages, survey numbers and plot numbers, under section 96;

(xxviii) the manner in which disputes concerning any boundaries may be decided by survey officers under section 109;

(xxix) the date on which, the instalments in which and the persons to whom land revenue may be paid under section 115;

(xxx) the circumstances in which remission or suspension of land revenue may be granted and the rate of such remission or suspension under section 119;

(xxxi) the procedure to be observed in effecting attachment and sale of movable and immovable properties and the procedure for publishings conducting, setting aside and confirming sales and all other ancillary matters connected with such proceedings, under section 122;

(xxxii) the authority by whom and the manner in which the sale of the interest of the defaulter in the immovable property may be confirmed under section 128;

(xxxiii) the manner in which reasonable rent payable by a sub-tenant may be determined under sub-section (6) of section 149;

(xxxiv) the minimum area of land to be held by two or more tenant together for making an application for consolidation of their holdings under section 164;

(xxxv) the manner in which the scheme of consolidation of holdings may be prepared and objections thereto may be invited, under section 167;

(xxxvi) the manner of assessment of costs of carrying out the scheme of consolidation of holdings under section 173;

(xxxvii) the particulars which an application for the registration of a co-operative farm may contain under section 180;

(xxxviii) the concessions and facilities to which a co-operative farm may be entitled under section 192;

(xxxix) the manner in which the record of unoccupied lands may be prepared and maintained under section 194;

- (x1) any other matter which is to be, or may be, prescribed.
- 211. (1) The Andaman and Nicobar Islands (Land Tenure) Regulation, Repeal. 3 of 1926. is hereby repealed.
 - (2) The repeal of the said Regulation shall not affect,-
 - (a) the previous operation of the said Regulation or anything duly done or suffered thereunder; or
 - (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulation; or
 - (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Regulation; or
 - (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said Regulation had not been repealed.

(3) Subject to the provisions contained in sub-section (2), anything done or any action taken under the said Regulation and the rules made thereunder shall in so far as it is not inconsistent with the provisions of this Regulation, be deemed to have been done or taken under this Regulation and shall continue to be in force until superseded by anything done or any action taken under this Regulation.

212. Notwithstanding anything contained in this Regulation—

Transitory provision.

- (a) all cases pending before the Chief Commissioner or any revenue officer at the commencement of this Regulation shall be disposed of according to the law which would have been applicable to such cases had this Regulation not been passed;
- (b) all cases pending before any civil court at the commencement of this Regulation which would under this Regulation be triable by a revenue court, shall be disposed of by such civil court according to the law which would have been applicable to such cases had this Regulation not been passed; and

(c) all further proceedings with respect to the cases referred to in clauses (a) and (b), whether by way of appeal, revision, review or otherwise, shall be taken or instituted and disposed of according to the law which would have been applicable to such proceedings had this Regulation not been passed.

THE SCHEDULE

[See section 2(6)]

LIST OF COMMERCIAL TREES

- 1. White Dhup (Canarium euphyllum)
- 2. Bakota (Endospermum malaccense)
- 3. Kadam (Anthocephalus cadamba)
- 4. Didu or Semul (Bombax insigne)
- 5. Papita (Sterculia campanulata)
- 6. Lambapathi (Sideroxylon longepetiolatum)
- 7. Evodia (Evodia glabra)
- 8. Red Drup (Parishia insignis)
- 9. Lethok (Sterculia alata)
- 10. Thitpok (Tetrameles nudiflora)
- 11. Gurjan (Dipterocarpus spp.)
- 12. White Chuglam (Terminalia bialata)
- 13. Badam (Terminalia procera)
- 14. Chaplash or Taungpeinne (Artocarpus chaplasha)
- 15. Lalchini (Amoora wallichii)
- 16. Bomboza (Albizzia stipulata)
- 17. Black Chuglam (Terminalia manii)
- 18. Pyinma (Lagerstroemia hypoleuca)
- 19. Lakuch (Artocarpus gomeziana)

- 20. Thingan (Hopea odorata)
- 21. Jhingan (Pajanelia rheedii)
- 22. Ywigi (Adenanthera pavonina)
- 23. Lal Bombwe (Planchonia andamanica)
- 24. Hill Mohwa (Bassia butyracea)
- 25. Gangaw (Mesua ferrea)
- 26. Sea Mohwa (Mimusops littoralis)
- 27. Chooi (Sageraea elliptica)
- 28. Thitkandu (Pometia pinnata)
- 29. Mangrove (Bruguiera sp.)
- 30. Nabe (Lannea grandis)
- 31. Koko (Albizzia lebbek)
- 32. Padauk (Pterocarpus dalbergioides)
- 33. Marblewood (Diospyros marmorata)
- 34. Satinwood (Murraya exoitica).

S. RADHAKRISHNAN,

President.

S. P. SEN-VARMA, Secy. to the Govt. of India.



EXTRAORDINARY

भाषा II_सण्ड-1 PART II—Section 1

काधिकार ये प्रकाशित

PUBLISHED BY AUTHORITY

¶o 1] No.1] नई विल्ली, शुक्रवार जनवरी 6, 1967/पौद 16, 1888

NEW DELHI, FRIDAY, JANUARY 6, 1967/PAUSA 16, 1888

इस भाग में भिन्न पृष्ठ संख्या वो जाती है जिससे कि यह ग्रलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 6th January, 1967/Pausa 16, 1888 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS PROHIBITION OF COW SLAUGHTER REGULATION, 1967

No. 1 of 1967

Promulgated by the President in the Seventeenth Year of the Republic of India.

A Regulation to prohibit the slaughter of cow and its progeny in the Union territory of the Andaman and Nicobar Islands and for matters connected therewith.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

(1)

A. 21.

Short title, extent and commencement.

- 1. (1) This Regulation may be called the Andaman and Nicobar Islands Prohibition of Cow Slaughter Regulation, 1967.
- (2) It extends to the whole of the Union territory of the Andaman and Nicobar Islands.
- (3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

Definitions.

- 2. In this Regulation, unless the context otherwise requires.—
 - (a) "Andaman and Nicobar Islands" means the Union territory of the Andaman and Nicobar Islands;
 - (b) "beef" means flesh of cow and of such bull or bullock whose slaughter is prohibited under this Regulation but does not include such flesh contained in sealed containers and imported as such into the Andaman and Nicobar Islands;
- (c) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;
- (d) "competent authority" means any person or authority authorised by the Chief Commissioner, by notification in the Official Gazette, to perform the functions of the competent authority under this Regulation for such area as may be specified in the notification:
 - (e) "cow" includes a heifer and a calf;
- (f) "Official Gazette" means the Andaman and Nicobar Gazette;
- (g) "Prescribed" means prescribed by rules made under this Regulation;
- (h) "slaughter" means killing by any method whatsoever and includes maining and inflicting of physical injury which in the ordinary course will cause death;
- (i) "uneconomic cow" includes a stray, unprotected, infirm, disabled, diseased or barren cow.
- 3. Notwithstanding anything contained in any other law for the time being in force or in any custom or usage to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter at any place in the Andaman and Nicobar Islands—
 - (a) a cow; or
 - (b) a bull or bullock, except under and in accordance with a certificate from the competent authority issued under this Regulation.

Prohibition of slaughter of cows and regulation of slaughter of bulls and bullocks.

4. (1) Any person desiring to slaughter or offer for slaughter Issue of or cause to be slaughtered or offered for slaughter, a bull or bullock, for slaughter may apply to the competent authority within whose jurisdiction he of bulls and resides, for a certificate for the purpose.

- (2) Every application under sub-section (1) shall be in the prescribed form and shall contain the prescribed particulars.
- (3) On receipt of any such application, the competent authority may, after making such inquiries as it thinks fit and after satisfying itself that—
 - (a) the bull or bullock, as the case may be, is over the age of fifteen years; or
 - (b) in the case of a bull, it has become permanently unfit and unserviceable for the purpose of breeding and in the case of a bullock, it has become permanently unfit and unserviceable for the purpose of draught or any kind of agricultural operation.

issue a certificate to the effect that the bull or bullock as the case may be, is fit for slaughter:

Provided that where the permanent unfitness or unserviceability of a bull or bullock has been caused deliberately, the bull or bullock shall not be deemed to be permanently unfit or unserviceable for the purpose of this sub-section.

- (4) Where the competent authority issues or refuses to issue a certificate, it shall record in writing the reasons therefor.
- (5) Where the competent authority issues a certificate, it shall specify therein the place at which the bull or bullock may be slaughtered and the applicant shall not slaughter the bull or bullock at any place other than the place mentioned in the certificate.
- 5. Any person aggrieved by the refusal of the competent autho-Appeal. rity to issue a certificate under section 4 may, within the prescribed period, prefer an appeal to the Chief Commissioner and the Chief Commissioner shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.
- 6. Notwithstanding anything contained in any other law for the Prohibition time being in force, no person shall sell or transport, or offer for sale beef, or transport, or cause to be sold or transported, beef or beef-products in any form except for such medicinal purposes as may be prescribed or for consumption by a bona fide passenger in an aircraft.

Exemption.

- 7. (1) Nothing in this Regulation shall apply to the slaughter of a cow, bull or bullock—
 - (a) which is suffering from any contagious or infectious disease notified as such by the Chief Commissioner; or
 - (b) which is subjected to experimentation in the interest of medical or public health research:

Provided that the slaughtering is done under such circumstances and in accordance with such conditions as may be prescribed.

(2) Where a cow, bull or bullock is slaughtered on the ground specified in clause (a) of sub-section (1), the person who slaughters or causes to be slaughtered such cow, bull or bullock shall, within twenty-four hours of the slaughter, lodge information of the same at the nearest police station or before such officer as may be prescribed and its carcass shall be buried or disposed of in such manner as may be prescribed.

Establishment of institutions to take care of uneconomic cows.

8. There shall be established by the Chief Commissioner or by any local authority, whenever directed to do so by the Chief Commissioner, such institutions as may be necessary for taking care of uneconomic cows.

Levy of charges or fees. 9. The Chief Commissioner or the local authority, as the case may be, may levy such charges or fees as may be prescribed for keeping uneconomic cows in the institutions established under section 8:

Provided that in no case such charges or fees in respect of any such cow shall exceed the actual cost of keeping that cow.

Penalty.

- 10. (1) If any person contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 6, he shall be punishable with rigorous imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.
- (2) If any person contravenes or attempts to contravene or abets the contravention of the provisions of sub-section (5) of section 4 or of sub-section (2) of section 7, he shall be punishable with simple imprisonment for a term which may extend to one year, or with fine which may extend to two hundred rupees, or with both.
- (3) If any person contravenes or attempts to contravene or abets the contravention of any of the provisions of this Regulation or any rule made thereunder, for which a penalty is not expressly provided by this Regulation, he shall be punishable with fine which may extend to two hundred and fifty rupees.

(4) In any trial for an offence punishable under sub-section (2), the burden of proof that the cow was slaughtered on the ground specified in clause (a) of sub-section (1) of section 7 shall be on the accused.

Offences to be cognizable and non-bailable SEC. 17

11. Notwithstanding anything contained in the Code of Criminal ⁵ of ¹⁸⁹⁸. Procedure, 1898, an offence punishable under sub-section (1) of section 10 shall be cognizable and non-bailable.

Power to make rules.

- 12. (1) The Chief Commissioner may make rules for the purpose of carrying into effect the provisions of this Regulation.
- (2) Without prejudice to the generality of the foregoing provision, such rules may provide for—
 - (a) the form of application for the grant of a certificate under section 4 and the particulars it may contain;
 - (b) the period within which an appeal may be filed under section 5;
 - (c) the medicinal purposes for which beef may be sold under section 6:
 - (d) the circumstances under which and the conditions in accordance with which slaughtering of cows, bulls or bullocks may be done under sub-section (1) of section 7;
 - (e) the officer before whom information of slaughtering of cows, bulls or bullocks shall be lodged and the manner in which the carcass of the same shall be buried or disposed of under sub-section (2) of section 7;
 - (f) the charges or fees that may be levied for keeping uneconomic cows under section 9:
 - (g) any other matter which has to be or may be prescribed.

S. RADHAKRISHNAN, President.

S. P. SEN-VARMA, Secy. to the Govt. of India.



ग्रसामारण

EXTRAORDINARY

भाग ग्री-सण्ड-।

PART II-Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

नं 30] नई विल्ली, बृहस्पतिवार, सितम्बर 14, 1967/भाई 23, 1889 No. 30] NEW DELHI, THURSDAY, SEPTEMBER 14, 1967/BHADRA 23, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह भ्रतग संकलन के रूप में रत्ना जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 14th September, 1967/Bhadra 23, 1889 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS CIVIL COURTS (AMENDMENT) REGULATION, 1967

No. 2 OF 1967

Promulgated by the President in the Eighteenth Year of the Republic of India.

A Regulation further to amend the Andaman and Nicobar Islands Civil Courts Regulation, 1940.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

lation made by him:—

1. (1) This Regulation may be called the Andaman and Nicobar Short title

Islands Civil Courts (Amendment) Regulation, 1967.

short title and commencement, (2) It shall come into force at once.

Amendment of long title and preamble.

2. In the Andaman and Nicobar Islands Civil Courts Regulation, 1940 (hereinafter referred to as the principal Regulation), in the Regulation 1940. long title and the preamble, for the words "Andaman Islands", the words "Andaman and Nicobar Islands" shall be substituted,

and 3.

Amendment of sections 2 and 3 of the principal Regulation, for the words and 3. In sections 2 and 3 of the principal Regulation, for the words "Andaman Islands", the words "Andaman and Nicobar Islands" shall be substituted.

ZAKIR HUSAIN,

President.

S. P. SEN-VARMA,

Secy. to the Govt. of India.



म्रसाधारण EXTRAORDINARY

Mai II Mand-I

PART II-Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 34] नई विल्ली, प्रंगलवार, श्रम्तूबर 17, 1967/प्रश्वित 25, 1889 No. 34] NEW DELHI, TUESDAY, OCTOBER 17, 1967/ASVINA 25, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह ग्रालग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 17th October, 1967/Asvina 25, 1889 (Saka)

THE NORTH-EAST FRONTIER AGENCY PANCHAYAT RAJ REGULATION, 1967

No. 3 of 1967

Promulgated by the President in the Eighteenth Year of the Republic of India.

A Regulation to provide for the constitution of Anchal Samitis, Zilla Parishads and Agency Council in the North-East Frontier Agency and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the

Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

- 1. (1) This Regulation may be called the North-East Frontier Agency Panchayat Raj Regulation, 1967.
 - (2) It extends to the whole of the North-East Frontier Agency.
- (3) It shall come into force on such date as the Governor may, by notification, appoint, and different dates may be appointed for different provisions of this Regulation and for different areas.

Defini-

- 2. In this Regulation, unless the context otherwise requires,—
 - (i) "Agency Council" means the Agency Council constituted under section 57;
 - (ii) "Anchal Samiti" means an Anchal Samiti constituted under section 4;
 - (iii) "Block" means such area as may be declared by the Governor under section 3 to be a Block;
 - (iv) "Deputy Commissioner" means the Deputy Commissioner of a District;
- (v) "District" means a District of the North-East Frontier Agency;
 - (vi) "Governor" means the Governor of Assam;
- (vii) "Gram Panchayat" means a village authority constituted Assam under the Assam Frontier (Administration of Justice) Regulation, Hegulation 1945, by whatever name called;

 Assam Regulation 1945.
- (viii) "North-East Frontier Agency" shall have the meaning assigned to it in the North-East Frontier Areas (Administration)
 Regulation, 1954;
- (ix) "notification" means a notification published in the Official Gazette:
- (x) "prescribed" means prescribed by rules made under this Regulation;

- (xi) "Sub-divisional Officer" means the Additional Deputy Commissioner or the Assistant Commissioner in charge of a subdivision:
- (vii) "village" means an area recognised to be a village at the commencement of this Regulation and includes any area which the Governor may, by notification, declare to be a village.
- (aiii) "Zilla Parishad" means a Zilla Parishad constituted under section 51.

CHAPTER II

Anchal Samitis

The Governor may, by notification, declare such contiguous Declaraareas in a District as he deems fit to be a Block for the purposes of tion of this Regulation and may specify the Gram Panchayats in the Block:

Provided that no area included in a municipality, town committee or cantonment constituted under any law for the time being in force shall be included in a Block.

4. (1) The Governor may, by notification, constitute an Anchal Constitu-Samiti for a Block with effect from such date as may be specified tion of therein.

Samitis and their

- (2) Every Anchal Samiti shall, by the name of the Block for which incorporait is constituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and shall by its corporate name sue and be sued.
- 5. (1) The Governor may, after consultation with an Anchal Samiti Alteration or Samitis concerned, at any time by notification—

in area of Block.

- (a) include any village or part of a village within the limits of a Block;
- (b) exclude any village or part of a village from the limits of a Block; or
 - (c) amalgamate two or more Blocks into a single Block.
- (2) Where, by a notification under sub-section (1), any village or part of a village is included within the limits of a Block, the jurisdiction of the Anchal Samiti established for that Block shall extend to such village or part which shall, unless the Governor otherwise

directs, become subject to all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in that Block.

- (3) Where, by a notification under sub-section (1), any village or part of a village is excluded from the limits of a Block, the jurisdiction of the Anchal Samiti established for that Block over such village or part shall thereupon cease and all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in that Block shall cease to apply to that village or part, as the case may be.
- (4) Where, by a notification under sub-section (1), two or more Blocks are amalgamated into a single block, the Governor may make such incidental and consequential orders as may be necessary for effecting such amalgamation.
 - 6. (1) Every Anchal Samiti shall consist of-

Composition of Anchal Samiti.

(i) one representative elected in the prescribed manner, by the members of each Gram Panchayat falling within its jurisdiction:

Provided that where the number of villages in any Block exceeds twenty-five, the Deputy Commissioner may, by notification, divide such Block, in the prescribed manner, into not more than twenty-five constituencies, each consisting of one or more villages, and the members of Gram Panchayats included in each constituency shall elect, in the prescribed manner, one representative to the Anchal Samiti:

Provided further that, if at any time there is no Gram Panchayat in any village or, as the case may be, in any of the villages included in a constituency, or the members of the Gram Panchayat or Panchayats in a village or constituency, as the case may be, fail to elect their representative, the Deputy Commissioner may nominate a person ordinarily resident in that village or constituency, as the case may be, to be a member of the Anchal Samiti representing that village or constituency;

(ii) one representative elected, in the prescribed manner, by the Chairmen of the co-operative societies situate within the Block from amongst themselves, ex officio:

Provided that where there is only one co-operative society in a Block, the Chairman of that society shall be a member of the Anchal Samiti;

- (iii) not more than five persons nominated by the Deputy Commissioner from the members of the tribes which have not secured representation in the Anchal Samiti under clause (i) or clause (ii);
- (iv) the Sub-divisional Officer of the sub-division in which the Block is situated, ex officio:

Provided that if the area of a Block extends to two or more sub-divisions, the Sub-divisional Officer of any one of the subdivisions specified by the Deputy Commissioner in this behalf shall be a member of the Anchal Samiti constituted for that Block.

(2) The Deputy Commissioner may appoint such officers as ex officio members of an Anchal Samiti as may be deemed necessary:

Provided that the officers so appointed shall have the right to attend the meetings of the Anchal Samiti and take part in the proceedings thereof but shall not be entitled to vote.

7. A person shall be disqualified for being chosen as, and for being. Disqualifia member of an Anchal Samiti, if he-

cations for membership.

- (a) is not a citizen of India; or
- (b) is not twenty-five years of age; or
- (c) has been dismissed from the service of Government or an Anchal Samiti or any other local authority for misconduct unless a period of five years has elapsed from such dismissal; or
- (d) holds any office of profit under the Government or an Anchal Samiti or any other local authority; or
- (e) has directly or indirectly any share or monetary interest. in any work done by, or to, the Anchal Samiti or in any contract or employment with, under, or by, or on behalf of, the Anchal Samiti; or
 - (f) is an undischarged insolvent; or
- (g) is of unsound mind and stands so declared by a competent court: or
- (h) has been convicted by a criminal court of any offence involving moral turpitude and sentenced to imprisonment for not less than six months and five years have not elapsed since his release:

Provided that the disqualifications specified in clauses (d) and (e) shall not apply to an ex officio member.

President and Vice-President.

- **8.** (1) The Sub-divisional Officer who is a member of an Anchal Samiti shall be its President.
- (2) At the first meeting of an Anchal Samiti, the members shall elect from among themselves, a Vice-President in the manner prescribed.

Term of office of, and vacancies among, members of Anchal Semiti.

9. (1) Subject to the provisions of this section, the members of an Anchal Samiti shall hold office for a term of three years:

Provided that the Governor may, by order in writing and for reasons to be recorded therein, extend the said term by a period or periods not exceeding one year in the aggregate, and every such order shall be notified in the Official Gazette.

- (2) The term of office of the members of an Anchal Samiti shall be deemed to commence on the date of the first meeting of the Anchal Samiti which shall be held on a date fixed by the Deputy Commissioner.
- (3) The term of office of outgoing members shall be deemed to extend to and expire with the date preceding the date of the first meeting of the newly constituted Anchal Samiti.
- (4) The term of office of an ex officio member shall continue so long as he holds the office by virtue of which he is such a member.
- (5) The Vice-President of an Anchal Samiti shall hold such office so long as he is a member of the Anchal Samiti.
- (6) A member (other than an ex officio member) shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Anchal Samiti, from three consecutive ordinary meetings of the Anchal Samiti.
- (7) An outgoing member shall be eligible for re-nomination or re-election.

Hesignation of office and filling up of casual vacancies

- 10. (1) The Vice-President of an Anchal Samiti or any other member thereof, not being an *ex officio* member, may resign his office by giving notice in writing to that effect to its President and such resignation shall take effect from the date of its receipt by the President.
- (2) A casual vacancy in the office of the Vice-President or any member shall be filled by election or nomination in accordance with the provisions of this Regulation or the rules made thereunder:

Provided that a member elected or nominated under this subsection shall hold office for the remainder of the term of the member in whose place he is elected or nominated.

 \mathbf{or}

11. (1) Every member of an Anchal Samiti shall before taking Oath of his seat make and subscribe before such officer as the Governor may specify in this behalf, an oath or affirmation in the form set out in the First Schedule.

- (2) A member who has not complied with the requirements of sub-section (1), shall not vote or take part in the proceedings of any meeting of the Anchal Samiti not shall be be included as a member of any committee constituted by the Anchal Samiti.
- 12. (1) The Governor shall appoint an Executive Officer for every Officers Anchal Samiti.

employees of Anchal

- (2) The Executive Officer shall act as the Secretary of the Anchal Samiti. Samiti and shall, subject to the control of the President, carry out the resolutions and directions of the Anchal Samiti and discharge such other functions as may be prescribed.
- (3) Subject to such rules as may be made in this behalf, the Anchal Samiti may appoint such other officers and employees and in such number as may from time to time be necessary.
- 13. (1) A motion of no confidence may be moved by any member Motion of of an Anchal Samiti against its Vice-President after giving at least no confidseven days' notice in writing, to the President of the Anchal Samiti. ence. of his intention to move such a motion.

- (2) If the motion is carried by a majority of not less than twothirds of the total number of members of the Anchal Samiti the Vice-President shall cease to hold office.
- (3) Notwithstanding anything contained in this Regulation, the Vice-President of an Anchal Sanati shall not preside at a meeting in which a motion of no confidence against him is under discussion, but he shall have the right to speak or otherwise take part in the proceedings of such meeting.
- 14. The Governor may, by order, remove from office the Vice- power of President or any other member of an Anchal Samiti, after giving him Governor an opportunity of making a representation, if he-
 - (a) incurs any of the disqualifications specified in section 7, or

 - (b) refuses to act or becomes incapable of acting, or
 - (c) is, in the opinion of the Governor, guilty of misconduct in the discharge of his duties, or

to remove Vice-President member of Anchal Samtti.

- (d) is, in the opinion of the Governor, undesirable in the public interest to be continued in office, or
- (e) has caused financial loss, waste or misappropriation of any money, or property belonging to the Anchal Samiti, by neglect or misconduct in the performance of his duties,

and the Vice-President or member so removed shall not be eligible for re-election or re-nomination to the vacancy so created.

Meetings of Anchal Samiti.

- 15. (1) The time and place of meetings of an Anchal Samiti and the procedure at such meetings (including the quorum thereat) shall be such as may be prescribed.
- (2) A member of an Anchal Samiti may, at any meeting, move any resolution and put questions to the President or the Vice-President on matters connected with the administration of the Anchal Samiti in the manner prescribed.
- (3) No resolution of an Anchal Samiti shall be modified, amended, varied or cancelled by the Anchal Samiti within a period of three months from the date of passing thereof except by a resolution supported by two-thirds of the total number of members of the Anchal Samiti.

Committees.

- 16. (1) Subject to such rules as may be made in this behalf, an Anchal Samiti may appoint from among its members as many committees as it thinks fit to assist it in the discharge of any specified functions and may delegate to such committees such of its powers as may be deemed necessary.
- (2) The President and Vice-President of an Anchal Samiti shall be the Chairman and Vice-Chairman respectively of every committee appointed under sub-section (1) and the Executive Officer of the Anchal Samiti shall be an ex officio member of every such committee.
- (3) An Anchal Samiti may temporarily associate with any committee persons not being members of the Anchal Samiti, who have special experience and knowledge of any subject dealt with by a committee and any such person shall have the right to take part in the discussions of the committee but shall not have the right to vote, and shall not be a member for any other purpose.

Proceedbe invalid.

17. No act or proceeding of an Anchal Samiti or of any committee ings not to thereof shall be deemed to be invalid by reason only of the existence of any vacancy in, or defect in the constitution of, the Anchal Samiti or committee or of any informality in its proceedings.

- 18. The President of an Anchal Samiti may convene a general General meeting of all the members of the Gram Panchayats falling within meeting. its jurisdiction to review the action taken by the Anchal Samiti during the preceding year and to present the working plan of the Anchal Samiti for the succeeding year.
- 19. Every member of an Anchal Samiti who is not in the service Travelling of the Government shall be entitled to receive from the Anchal and daily Samiti travelling and daily allowances for attending its meetings or of members the meeting of any of its committees at such rates as may be of Anchal prescribed.

Powers and functions

20. (1) It shall be the duty of every Anchal Samiti so far as its Functions Fund and the resources at its disposal may allow, to make reasonable of Anchal provision within its jurisdiction in regard to the matters specified in the Second Schedule:

Provided that it may assign to any Gram Panchayat falling within its jurisdiction, all or any of its functions relating to matters specified in Part I of the said Schedule.

- (2) An Anchal Samiti may also make provision for carrying out within the area under its jurisdiction, any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the residents of the area.
- 21. (1) The Anchal Samiti, in respect of all roads, streets, bridges, Control of culverts and other properties placed by the Governor under sub- Anchal section (1) of section 47 under its direction, management and control, Samiti on certain may do all things necessary for the maintenance and repair thereof, properties. and in particular, may—

- (a) widen, open, enlarge or otherwise improve any such road, street, bridge or culvert and plant and preserve trees on the sides of such roads,
- (b) deepen or otherwise improve any watercourse and other property mentioned in clause (c) of sub-section (1) of section 47, and
- (c) cut any hedge or branch of any tree projecting on any such public road or street.
- (2) The Anchal Samiti shall also have control of all roads, streets. waterways, bridges and culverts which are situated within its jurisdiction, not being private property or not being the property for the

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time being under the control of the Government, and may do all things necessary for the improvement, maintenance and repair thereof, and in particular, may—

- (a) lay out and make new roads, and
- (b) construct new bridges and culverts.

Transfer of any work or management of any institution to, or from, an Anchal Samiti

- 22. (1) Subject to such rules as may be made in this behalf, and to such conditions as may be agreed upon, an Anchal Samiti may take over the execution, maintenance or repair of any work or the management of any institution within its jurisdiction on behalf of the Government or any local authority.
- (2) Subject to such rules as may be made in this behalf, and to such conditions as may be agreed upon, an Anchal Samiti may, with the consent of a local authority or any person, make over to such authority or person, the execution, maintenance or repair of any work or the management of any institution within its jurisdiction.

Public charitable dispensaries and hospitals.

- 23. (1) The Governor may, with the consent of an Anchal Samiti, by notification, direct that any public charitable dispensary or hospital falling within its jurisdiction shall be placed under the control and administration of the Anchal Samiti.
- (2) On the publication of the notification referred to in sub-section (1), the Anchal Samiti shall, subject to such rules as may be made in this behalf, be charged with the control and administration of the dispensary or hospital and the construction, repair and maintenance of all buildings connected therewith.

Establishment and maintenance of dispensaries, hospitals, etc.

- 24. Subject to such rules as may be made in this behalf, an Anchal Samiti may,—
 - (a) establish and maintain within its jurisdiction, dispensaries, hospitals, asylums and places for the reception of the sick or destitute or contribute towards the cost of establishment and maintenance of such institutions;
 - (b) provide for the employment of medical practitioners and for payment of allowances to such practitioners for services rendered:
 - (c) provide medicines or medical assistance for persons resident within its jurisdiction or take such measures as may appear to it to be necessary during the prevalence of any disease:

- (d) with the previous sanction of the Governor, contribute such annual or other sums as may be agreed upon, towards the establishment or maintenance of any dispensary, hospital, asylum or place for the reception of the sick or destitute which is situate outside its jurisdiction, but is, or may be, ordinarily used by persons resident within its jurisdiction.
- 25. (1) If an Anchal Samiti is of opinion that it is necessary so to Improvedo for the promotion of public health or for the prevention of danger ment of sanitation. to life or property, it may, by a notice in writing and within such period as may be specified therein, direct the owner or occupier of any building or land—

- (i) to remove huts or privies wholly or partly; or
- (ii) to remove, alter or construct private drains; or
- (iii) to remove, alter or construct any public drain; or
- (iv) to fill up, clean or deepen any watercourse, well, pool, ditch, tank, pond or any place containing, or used for the collection of, drainage or filth, to drain out stagnant water which appears to be injurious to health or offensive to the neighbourhood or to take such action as may be deemed necessary; or
- (v) to clear any land of thick vegetation, undergrowth or jungle.
- (2) If any work required to be done under sub-section (1) is not executed within the period specified in the notice, the Auchal Samiti may itself cause such work to be executed or done and the cost incurred thereon may be recovered from the owner or occupier in the prescribed manner.
- (3) Any person who wilfully disobeys any direction issued under sub-section (1) shall be liable to a fine which may extend to ten rupees.
- (4) If the Anchal Samiti considers that the owner or occupier or any other person has suffered loss as a result of any action taken under this section, not being due to his fault, it may award such compensation as it may deem adequate from its own funds.
- 26. On the outbreak of an epidemic or an infectious disease, an Power to Anchal Samiti shall have power to take all or any of the following do certain acts in the measures for controlling and preventing the spread of the epidemic event of an or disease in the area within its jurisdiction, namely:—

epidemic.

(i) restriction of the movement of infected persons or goods within its jurisdiction;

- (ii) provision for vaccination or inoculation, as the case may be;
 - (iii) seizure of any polluted food-stuffs;
- (iv) disinfection of wells, tanks or other sources of watersupply; and
 - (v) doing of such other acts as may be necessary.

Disinfection of buildings and articles. 27. (1) If the Anchal Samiti is of opinion that the cleansing or disinfecting of a building or any part thereof, or any article therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, it may, by notice, require the occupier, or where there is no occupier, the owner thereof, to cleanse or disinfect the same in the manner and within the time specified in the notice.

(2) If—

- (a) within the time specified as aforesaid, the person on whom the notice is served fails to have the building or part thereof or the article cleansed or disinfected, or
 - (b) such person gives his consent,

the Anchal Samiti may at his cost cause the building or part thereof or the article to be cleansed and disinfected:

Provided that the Anchal Samiti may, in its discretion, pay the whole or any part of such cost.

Removal of patients suffering from infectious or contagious diseases to hospital.

- Removal of 28. If any person suffering from any infectious or contagious patients disease is found, within the jurisdiction of any such Anchal Samiti from infec- as may be specified by the Governor by notification, to be—
 - (a) without proper lodging or accommodation, or
 - (b) living in a sarai or other public place,

the Anchal Samiti or any person authorised by it in this behalf may, on the advice of a medical officer not below in rank to that of an Assistant Surgeon, Grade I, remove the said person to any hospital or place at which persons suffering from such diseases are received for medical treatment and may take all reasonable measures to effect such removal.

Power to close markets.

29. (1) An Anchal Samiti may by order, with a view to preventing the spread of any infectious or contagious disease, close any market or shop within its jurisdiction for such period as may be specified

in the said order and may also forbid any person from entering such market or shop.

- (2) An order under sub-section (1) shall be published in such manner and at such places as the Anchal Samiti may direct and notice thereof shall also be served on the owner or occupier of the market or shop, as the case may be.
- (3) The owner or occupier of the market or shop may, after complying with the provisions of the order appeal against it to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final.
- (4) When an order has been published under sub-section (2) and has not been set aside by the Deputy Commissioner under subsection (3), the owner or occupier of a market or shop who fails to close such market or shop shall be liable to a fine which may extend to five hundred rupces and any person who enters such market or shop in contravention of the provisions of the order shall be liable to a fine which may extend to fifty rupees.
- 30. (1) An Anchal Samiti may, by order, direct that no place other Licensing than markets established by, or under the control or administration of, the Anchal Samiti shall be used as a market except in accordance with the terms and conditions of a licence granted by it.

of markets.

- (2) The Anchal Samiti may grant a licence under the provisions of this section subject to such conditions as it may think fit as to supervision and inspection, sanitation and water supply, weights and measures to be used, rents and fees to be charged and such other matters as may be specified in the bye-laws to be framed for the purpose.
- (3) The Anchal Samiti may at any time suspend, cancel or modify a licence granted under sub-section (2) for contravention of any of the conditions thereof.
- (4) Any person aggrieved by an order of the Anchal Samiti under sub-section (3) may appeal against such order to the Deputy Commissioner who may, after giving such person an opportunity to represent his case, modify, annul or confirm the order.
- (5) The Anchal Samiti or any officer authorised by it may close any place used as a market without a licence or the licence for which has been suspended or cancelled.
- 31. (1) An Anchal Samiti may take such action as may be neces- Watersary for proper and sufficient supply of water to any area within its supply. jurisdiction and for this purpose may construct, repair and maintain water works, wells or tanks,

(2) The Anchal Samiti may, by order, set apart convenient tanks, springs, wells or part of rivers, streams, channels or watercourses, for the supply of water for drinking or for culinary purposes.

Compulsory vaccination.

Power to make contributions to Gram Pan-chayats.

protect

crops.

- 32. An Anchal Samiti shall take such action as may be necessary for the enforcement of vaccination in the area within its jurisdiction.
- 33. Subject to such conditions as may be prescribed, an Anchal Samiti may make annual or other contributions to any Gram Panchayat falling within its jurisdiction to whom any of its powers or functions are assigned under section 20.
- **34.** An Anchal Samiti may by itself or in association with any Gram Panchayat or any other Anchal Samiti take such steps as may be necessary to scare away monkeys, squirrels, elephants, birds, locusts or other pests in order to save crops from being damaged.

Power of entry of Anchal Samiti officers. 35. A member of an Anchal Samiti and any officer or other employee of the Anchal Samiti authorised by it in this behalf may enter into or upon any house, building or land with or without assistants or workmen to make any inspection or execute any work required under any of the provisions of this Regulation:

Provided that-

- (a) no such entry shall be made between sun-set and sun-rise; and
- (b) no entry into a dwelling house may be made, except with the consent of the occupier thereof and without giving the said occupier at least twenty-four hours' previous notice of the intention to make such entry signed by the President or the Vice-President of the Anchal Samiti; and due regard shall always be had to the social and religious customs and usages of the occupants of the house so entered.

Other powers of Anchal Samiti.

- 36. An Anchal Samiti may, within its jurisdiction—
- (a) establish and maintain bungalows and sarais for the use of travellers and charge therefor such fees as it thinks fit; and
- (b) offer rewards at such scales as may be approved by the Governor for the destruction of unclaimed or diseased dogs and animals.

Finance, Property and Accounts

Anchal Samiti **F**und. 37. (1) There shall be an Anchal Samiti Fund for each Anchal Samiti and the same shall be utilised for discharging its functions under this Regulation.

- (2) The following shall be credited to and form part of the Anchal Samiti Fund, namely:—
 - (i) the proceeds of any tax, fees, licence fees, cess and surcharge levied under this Regulation;
 - (ii) the collection charges referred to in section 46;
 - (iii) any grants and contributions made by the Governor or any local authority or other person;
 - (iv) all sums received by way of loan or gift;
 - (v) the income from, or the sale proceeds of, any property of the Anchal Samiti;
 - (vi) the sale proceeds of all dust, dirt, dung or refuse collected by the employees of the Anchal Samiti;
 - (vii) all sums received in aid of, or for expenditure on, any institution or service, maintained, managed or financed by the Anchal Samiti;
 - (viii) any other sums paid to the Anchal Samiti.
- (3) The amount in the Anchal Samiti Fund shall be kept in such custody as may be prescribed.
- 38. Subject to such rules as may be made in this behalf, and sub-Raising of ject to the provisions of any law for the time being in force relating loans and to the raising of loans by local authorities, an Anchal Samiti may of a raise loans for discharging its functions under this Regulation and Sinking for the repayment of such loans form a Sinking Fund.

formation

39. The Anchal Samiti Fund shall be applied for payments in the Applicafollowing order, namely:---

tion of Anchal Samiti

- (a) payment of interest on loans raised under section 38, Fund. and payments into the Sinking Fund, if formed;
- (b) payment of the salaries, allowances and other remuneration of the officers and other employees of the Anchal Samiti:
- (c) payment of expenses incurred by the Anchal Samiti in the discharge of its functions under this Regulation;
- (d) payment of such other administrative expenses of the Anchal Samiti as may be prescribed.
- **40**. (1) Subject to approval by the Governor and subject to such Power of taxation. rules as may be prescribed, an Anchal Samiti may levy—
 - (a) a tax on brick or concrete buildings;

- (b) a tax on supply of drinking water, sale of firewood and thatch, conservancy, lighting and slaughter houses;
- (c) a tax on cultivable land lying fallow for two consecutive years;
 - (d) a tax on fisheries allotted to the Anchal Samiti;
- (e) a fee on the registration of cattle sold within its jurisdiction;
 - (f) a licence fee in respect of-
 - (i) tea stalls, hotels, sweet-meat shops, restaurants, bakeries and confectioneries;
 - (ii) collection of hides and bones;
 - (iii) cinema halls, circuses, professional variety shows and fairs;
 - (iv) brick and tile kilns;
 - (v) oil and rice mills;
 - (vi) hats and bamboo stalls;
 - (vii) carts, carriages, cycles and boats;
 - (viii) saw mills and timber depots.
 - (g) a cess for the supply of water for :rrigation;
- (h) a surcharge on duty for the $\$ transfer $\$ of $\$ immovable $\$ property.
- (2) The taxes, fees and surcharge shall be imposed, assessed and realised at such times and in such manner as may be prescribed.

Recovery of taxes and other duties.

- 41. (1) When any tax or fee or other sum due to an Anchal Samiti has become payable, the Anchal Samiti shall, with the least practicable delay, cause to be sent to the person liable for the payment thereof, a demand notice in the prescribed form for the amount due from him and require him to pay the amount within a date to be specified in such notice.
- (2) Every notice of demand under sub-section (1) shall be served in such manner as may be prescribed.
- (3) If the sum for which a notice of demand has been served is not paid within the date specified therein, the Anchal Samiti may recover the same in the prescribed manner.

42. Any person aggrieved by the assessment, levy or imposition of Appeal any tax, fee or surcharge may appeal to the Deputy Commissioner against within thirty days of the date of the order imposing such tax, fee or etc. surcharge, and the decision of the Deputy Commissioner thereon shall be final:

Provided that an appeal may be admitted after the expiration the period specified in this section, if the appellant satisfies Deputy Commissioner that he had sufficient cause for not preferring the appeal within that period.

43. No objection shall be taken to any assessment made under this Objections Regulation, nor shall the liability of any person so assessed be questional assesses tioned otherwise than in accordance with the provisions of this Regulation or the rules made thereunder.

- 41. The Governor may, by notification, suspend the levy or im-Suspenposition of any tax, fee or surcharge and may at any time in like sion of levy of tax, etc. manner rescind such suspension.
- 45. (1) If, in the opinion of the Governor, the regular income of $_{
 m Governor}^{
 m Power}$ an Anchal Samiti falls below what is required for the proper dis- to increase charge of its functions under this Regulation, he may require the taxation. said Anchal Samiti to take steps to increase its income to such extent and within such period as may be specified by him.

- (2) If the Anchal Samiti fails to take adequate steps to increase its income to the extent required within the period specified, the Governor may direct the Anchal Samiti to levy any of the taxes or fces specified in section 40, or increase the rate at which any such tax or fee is levied.
- (3) If an Anchal Samiti fails to levy a tax or fee or enhance the rate of any tax or fee as required under sub-section (2), the Governor may, by notification, levy, or increase the rate of, such tax or fee.
- 46. An Anchal Samiti may, in the prescribed manner, collect any Collection class of tax or revenue or fee or due payable to the Government in revenue respect of the area falling within its jurisdiction, on being allowed due to a prescribed percentage of collection charges.

Government.

47. (1) The Governor may, if he deems fit, place all or any of the Properties following properties situated within the jurisdiction of the Anchal under the Samiti, under the direction, management and control of the Anchal direction, Samiti, namely:---

management and control of Samiti.

(a) open sites, waste, vacant and grazing lands, not being Anchal private property, and river beds;

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- (b) public roads and streets;
- (c) public channels, watercourses, wells, ponds, tanks (except irrigation tanks under the control of the Government) public springs, reservoirs, cisterns, fountains, aqueducts and any adjacent land (not being private property) appertaining thereto:
- (d) public sewers, drains and drainage works, tunnels and culverts and things appertaining thereto and other conservancy works;
- (e) sewage, rubbish and offensive matter deposited on streets or collected by the Anchal Samiti from streets, latrines, urinals, sewers, cesspool and other places; and
- (f) public lamps, lamp posts and apparatus connected therewith or appertaining thereto.
- (2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Anchal Samiti and shall receive to the credit of the Anchal Samiti Fund all dues levied or imposed in respect thereof.

Accounts and audit.

- 48. (1) Every Anchal Samiti and every Gram Panchayat receiving contributions from an Anchal Samiti under section 33 shall maintain accounts of its receipts and expenditure in such form, as may be prescribed.
- (2) The accounts of every Anchal Samiti and the Gram Panchayat referred to in sub-section (1) shall be audited annually in such manner as may be prescribed.

Preparation of budget estimates of Anchal Samiti.

- 49. (1) An Anchal Samiti shall prepare annually on or before such date and in such form as may be prescribed a budget estimate of its income and expenditure for the next financial year and may also prepare a supplementary budget estimate at any time during a financial year.
- (2) The annual or supplementary budget estimate of an Anchal Samiti shall be submitted to the Deputy Commissioner and after being approved by him shall be binding on the Anchal Samiti.
- (3) No expenditure shall be incurred by an Anchal Samiti unless it is included in the budget estimates which have been approved by the Deputy Commissioner under sub-section (2).

Administration Report. 50. (1) Every Anchal Samiti shall submit annually to the Deputy Commissioner by such date as may be prescribed, a report on the administration of the Anchal Samiti during the previous year.

(2) The report shall be prepared by the Executive Officer and after it is approved by the Anchal Samiti shall be forwarded to the Deputy Commissioner with a copy of the resolution of the Anchal Samiti thereon.

CHAPTER III

ZILLA PARISHADS

51. (1) The Governor may, by notification, constitute a Zilla Constitu-Parishad for each District with effect from such date as may be composispecified therein.

tion of Zilla Parishads.

- (2) Every Zilla Parishad shall consist of—
- (i) the Vice-Presidents of all the Anchal Samitis in the District, ex officio;
- (ii) one representative of every Anchal Samiti in the District, to be elected by its members from amongst themselves in the prescribed manner;
- (iii) not more than six persons to be nominated by the Governor from out of the tribes which have not secured representation on the Zilla Parishad:

Provided that no person shall be nominated or after having been nominated, remain a member of a Zilla Parishad, if he suffers from any of the disqualifications specified in clauses (a) to (h) of section 7;

- (iv) the Deputy Commissioner in charge of the District, ex officio.
- 52. (1) A person who is a member of a Zilla Parishad by virtue Term of of clause (i) or clause (ii) of sub-section (2) of section 51, shall cease office of members to be such member on his ceasing to be a Vice-President or a mem- of Zilla Parishad ber, as the case may be, of the Anchal Samiti.
- (2) The term of office of a person nominated under clause (iii) of sub-section (2) of section 51 shall be three years:

Provided that a member nominated to fill a casual vacancy shall hold office for the remainder of the term of the member in whose place he is nominated.

53. (1) The Deputy Commissioner shall be the President of the President and Vice-Zilla Parishad. President

(2) As soon as may be after a Zilla Parishad is constituted, the parishad

Zilla Parishad shall elect in the prescribed manner from amongst its members a Vice-President who shall, subject to the other provisions of this Regulation, hold office for a period of three years.

(3) If a casual vacancy occurs in the office of the Vice-President of a Zilla Parishad, the person elected in the manner specified in sub-section (2) to fill such vacancy shall hold office for the remainder of the term of the Vice-President in whose place he is elected.

Resignation of Vice-President or member of Zilla Parishad.

- Functions of Zilla Parishad
- 54. The Vice-President, or any member other than an ex officio member, of a Zilla Parishad may resign his office by intimating in writing his intention to do so to the President of the Zilla Parishad and such resignation shall take effect from the date of its receipt by the President.
- 55. (1) The Zilla Parishad shall advise the Governor on all matters concerning the activities of the Gram Panchayats and Anchal Samitis situated within the District.
 - (2) In particular, it shall be the duty of the Zilla Parishad—
 - (a) to make recommendations to the Governor in respect of—
 - (1) the budget estimates of the Anchal Samitis;
 - (ii) the distribution and allocation of funds and grants to the Anchal Samitis;
 - (iii) the co-ordination and consolidation of the plans proposed by the Anchal Samitis and drawing up of the District plan;
 - (iv) the co-ordination of the work of the Gram Panchayats and Anchal Samitis; and
 - (v) land settlement and raising of revenues for the Anchal Samitis;
 - (b) to review the working of the Anchal Samitis from time to time;
 - (c) to advise on such other matters as may be referred to it by the Governor.

Meetings.

56. (1) The Zilla Parishad shall meet as often as may be necessary and shall observe, subject to the provisions of sub-sections (2) and (3), such rules of procedure in regard to the transaction of business at its meetings as may be prescribed:

Provided that not more than six months shall elapse between one meeting of the Zilla Parishad and another.

- (2) The President of the Zilla Parishad or in his absence, the Vice-President, or in the absence of both, any member nominated by the President in that behalf shall preside at any meeting of the Zilla Parishad.
- (3) All questions at a meeting of the Zilla Parishad shall be decided by a majority of the votes of the members present and voting and in the case of equality of votes, the President of the Zılla Parishad or in his absence, the person presiding shall have a second or casting vote.

CHAPTER IV

AGENCY COUNCIL

57. The Governor may constitute an advisory body to be called Constitution of the Agency Council consisting of— Agency

Council.

- (i) the Governor;
- (ii) the member of Parliament representing the North-East Frontier Agency;
 - (iii) the Vice-Presidents of all the Zilla Parishads;
- (iv) three representatives from each of the Zilla Parishads to be elected by its members from amongst themselves in the prescribed manner;
 - (v) the Adviser to the Governor, ex officio.
- 58. The Agency Council may be consulted by the Governor in $_{
 m Functions}$ cegard to-

of Agenc Council.

- (a) matters of administration involving general questions of policy relating to the North-East Frontier Agency in the State field:
- (b) the Five Year Plan and annual plan proposals for the development of the North-East Frontier Agency:
- (c) the estimated receipts and expenditure pertaining to the North-East Frontier Agency to be credited to, and to be made from, the Consolidated Fund of India;
- (d) proposals for undertaking legislation with respect to any of the matters enumerated in the State List in the Seventh Schedule to the Constitution;

(e) any other matter which the Governor may refer to it for advice.

Meetings of Agency Council.

- **59.** (1) The Agency Council shall meet as often as may be necessary and not more than one year shall elapse between one meeting of the Agency Council and another meeting.
- (2) The Governor shall preside at the meetings of the Agency Council.
- (3) Meetings of the Agency Council shall be regulated by such procedure as may be prescribed.
- (4) Subject to rules regulating the procedure of the Agency Council, and subject to the discretion of the Governor to refuse to give information or to allow discussion on any subject in the public interest, a member of the Agency Council shall have the right to ask questions on matters of public interest relating to the North-East Frontier Agency.

CHAPTER V

CONTROL OF GRAM PANCHAYATS AND ANCHAL SAMITIS

- spection, pervision overnor, Ċ.
- 60. The Governor, and such officers as are empowered by him in this behalf, shall have the powers of inspection, supervision and control over the performance of the functions of Gram Panchaid control yats and Anchal Samitis and, without prejudice to the generality of the foregoing powers, may-
 - (a) enter and inspect any immovable property in the occupation or control of, or any work in progress under the direction of, a Gram Panchayat or an Anchal Samiti;
 - (b) call for and inspect any document which is in the possession or control of a Gram Panchayat or an Anchal Samiti;
 - (c) require by an order in writing, a Gram Panchayat or an Anchal Samiti to furnish such reports, statements, accounts or proceedings as are necessary;
 - (d) give such advice in writing in respect of the functions and proceedings of a Gram Panchayat or an Anchal Samiti as they think fit:
 - (e) institute an inquiry in respect of any matter relating to a Gram Panchayat or an Anchal Samiti and rectify any of its acts or omissions.

- 61. With the previous sanction of the President of the Anchal Inspection Samiti, a member of an Anchal Samiti may inspect—
 - (a) any work or institution constructed or maintained in whole or in part at the expense of the Anchal Samiti; or
 - (b) any register, books, accounts or other documents be-Samiti. longing to, or in the possession of, the Anchal Samiti.
- 62. (1) The Governor may appoint an officer of Government to Inspector be Inspector of Local Works for one or more sub-divisions.

(2) The Inspector of Local Works shall-

- (a) advise with regard to the construction or repairs of any property under the control and administration of any Gram Panchayat or Anchal Samiti and may for this purpose enter and inspect any immovable property and every such Gram Panchavat or Anchal Samiti shall furnish such statements, estimates and reports as he may require; and
- (b) perform such other functions and exercise such other powers as may be prescribed.
- (3) A report of every inspection made under this section shall be prepared and a copy thereof shall be forwarded to the Gram Panchayat or Anchal Samiti concerned.
- (4) Every Gram Panchayat or Anchal Samiti shall in all matters of technical details be guided by the report of the Inspector of Local Works.
- 63. (1) If at any time it appears to the Deputy Commissioner or Default in any officer authorised by him in this behalf that an Anchal Samiti perforor any member, officer or employee thereof has made wilful or per-duty by sistent default in the performance of any duty imposed under this Anchal Regulation, the Deputy Commissioner or the officer may, by order member, in writing, fix a period for the performance of that duty, and if the officer, etc. duty is not performed within the period so fixed, the Deputy Commissioner or the officer may by order appoint any person to perform the said duty and direct that the expenses of the performance of the duty shall be paid by the defaulting Anchal Samiti within such period as he may think fit.

(2) The Deputy Commissioner or the officer exercising the power under sub-section (1) shall call for the explanation of the Anchal Samiti concerned for any default under sub-section (1) and shall forthwith report to the Governor who may, after giving notice to the Anchal Samiti, officer or employee and after making such inquiry as he deems fit, rescind, modify or confirm the order.

of construction work, etc., by members of Anchal

of Local Works.

Suspension of execution of order or resolution of Anchal Samiti.

- 64. (1) If, in the opinion of the Deputy Commissioner or any officer authorised by him in this behalf, the execution of any order or resolution of an Anchal Samiti or the doing of any act which is about to be done or is being done by or on behalf of an Anchal Samiti is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend the execution of that order or resolution or prohibit the doing of that act.
- (2) When the Deputy Commissioner or the officer makes an order under sub-section (1), he shall forthwith send to the Anchal Samiti affected thereby a copy of the order together with a statement of the reasons for making it.
- (3) The Deputy Commissioner or the officer shall also forthwith submit to the Governor a report of the circumstances in which the order was made under this section and the Governor may, after giving notice to the Anchal Samiti and making such inquiry as he deems fit, rescind, modify or confirm the order.

Power of Deputy Commissioner to call for records relating to tax or fee and make suggestions.

- 65. (1) The Deputy Commissioner may, at any time, call for the records of an Anchal Samiti relating to taxes or fees levied within its area and may make suggestions for alteration, addition or modification of, any tax or fee so levied or the rate thereof.
- (2) On receipt of a suggestion under sub-section (1), the Anchal Samiti shall reconsider the matter in a meeting and a copy of the resolution adopted shall be sent to the Deputy Commissioner.

Dissolution of an Anchal Samiti.

- 66. (1) If, in the opinion of the Governor, an Anchal Samiti--
 - (a) exceeds or abuses its powers, or
 - (b) is incompetent to perform, or makes wilful and persistent default in the discharge of the functions imposed on it by or under this Regulation or any other law for the time being in force, or
 - (c) persistently disobeys the order of the Deputy Commissioner or the officer under sub-section (1) of section 63,

the Governor may, by order in writing, dissolve the Anchal Samiti and direct that it shall be reconstituted in the manner provided in this Regulation.

(2) No order under sub-section (1) shall be passed by the Governor without giving to the Anchal Samiti a reasonable opportunity to render an explanation.

- (3) When an Anchal Samiti is dissolved under sub-section (1),—
- (a) all the members of the Anchal Samiti shall, from the date specified in the order, vacate their office as members;
- (b) all the functions of the Anchal Samiti shall, during the period of dissolution, be discharged by such person or persons as the Governor may appoint in this behalf.
- 67. If any dispute arises between two or more Anchal Samitis or Disputes between an Anchal Samiti and a Gram Panchayat or between two between or more Gram Panchayats, it shall be referred to the Governor and authohis decision thereon shall be final.

rities.

68. Notwithstanding anything contained in this Chapter, the Governor's Governor may call for and examine the records relating to any order power to passed by any officer or Anchal Samiti for the purpose of satisfying proceedhimself as to the legality or propriety of the order passed and may ings. revise or modify the order as he may deem fit.

CHAPTER VI

Miscellaneous

69. (1) No suit or prosecution shall lie against any member, officer, Bar of employee or agent of a Gram Panchayat or an Anchal Samiti, in action respect of anything done or intended to be done in good faith under this Regulation or any rule or bye-law made thereunder.

Anchal Samitl, etc., and

- (2) No suit or other legal proceeding shall be instituted against previous any Gram Panchayat or Anchal Samiti or any member, officer, before employee or agent thereof, for anything done or purporting to be institudone under this Regulation or any rule or bye-law made thereunder, until the expiration of two months next after notice in writing has been left or delivered at the office of the Gram Panchayat or Anchal Samiti, as the case may be, and also at the residence of the member, officer, employee or agent thereof against whom such suit or proceeding is intended to be instituted, and the notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to institute the suit or proceeding.
- (3) Every suit or proceeding referred to in sub-section (2) shall be instituted within six months after the date on which the cause of action arose.
- 70. (1) Every member of an Anchal Samiti shall be personally Liability of liable for the loss, waste or misapplication of any money or other members property of the Anchal Samiti to which he has been a party or which waste or

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misapplication.

has been caused or facilitated by his misconduct or wilful neglect of duty as a member amounting to fraud.

(2) If, after giving the member concerned a reasonable opportunity for showing cause to the contrary, the Deputy Commissioner or any officer authorised by him in this behalf, is satisfied, after such inquiry as he deems fit, that the loss, waste or misapplication of any money or other property of the Anchal Samiti is a direct consequence of the misconduct or wilful neglect on the part of such member, he shall, by order in writing, direct such member to pay to the Anchal Samiti before a fixed date the amount required to reimburse it for such loss, waste or misapplication:

Provided that no such order shall be made for bona fide or technical irregularities or mistakes of a member.

- (3) If the amount is not so paid, the Deputy Commissioner or the officer authorised by him in that behalf shall recover it in the prescribed manner.
- (4) An order of the Deputy Commissioner or the officer under subsection (2) shall be subject to an appeal to the Governor if made within thirty days of the date of the order.

Members. etc., to refrain from at sales.

71. A member of an Anchal Samiti or any officer thereof having any duty to perform in connection with any sale or contract under taking part this Regulation shall not directly or indirectly bid for, or acquire any interest in, any property sold at such sale or accept a contract work,

Penalty for obstructing Anchal Samitis or officers from doing anything under this Regulation, etc.

72. Whoever—

- (i) obstructs an Anchal Samiti or any member, employee or agent thereof, or prevents or attempts to prevent any such member, employee or agent from doing anything which he is empowered or required to do under the provisions of this Regulation or any rule or bye-law made thereunder, or
- (ii) without lawful authority removes or destroys, defaces or otherwise obliterates any notice, materials, lamp-post, direction post stand post or any other property exhibited or erected by the Anchal Samiti or under its authority,

shall be punishable with fine which may extend to fifty rupees.

Penalty for encroachment of road, etc.

73. Whoever encroaches upon any land, road, site, public drain, sewer, aqueduct, watercourse or other property placed under the control of an Anchal Samiti under section 47, by making any excavation or by erecting any wall, fence, rail, post, projection or other obstruction or by depositing any movable property, shall, for every such offence, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing encroachment, with an additional fine which may extend to ten rupees for every day after the first during which he has persisted in the encroachment.

74. If a medical practitioner who is aware of the existence of any Intimation infectious or contagious disease in any place other than a public to be given hospital or dispensary fails to intimate forthwith the existence of such of infeca disease to such officers as the Anchal Samiti may specify, or gives diseases. false information about the existence of such a disease, he shall be punishable with fine which may extend to fifty rupees.

75. (1) The Anchal Samiti may, either before or after the institu- Power to tion of criminal proceedings under this Regulation, compound any compound cases. offence against this Regulation or any rule or bye-law made thereunder on payment of such sum in cash to the Anchal Samiti Fund as may be agreed upon.

- (2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.
- 76. Whoever contravenes any of the provisions of this Regulation Penalty for or any rule made thereunder shall, if no other penalty is provided contravenelsewhere in this Regulation for such contravention, be punishable Regulawith fine which may extend to two hundred rupees and, in the case tion, etc. of a continuing contravention, with an additional fine which may extend to ten rupees for every day after the first during which he has persisted in the contravention.

77. (1) The Governor may, by notification and subject to such power to restrictions and conditions as may be specified therein, authorise any delegate. officer subordinate to him to exercise in respect of Anchal Samitis, any of the powers which may be exercised by the Governor under this Regulation or rules framed therounder, except the power to make rules under section 83.

- (2) The Governor may also, by notification, authorise any officer subordinate to him to perform all or any of the functions of the Deputy Commissioner under this Regulation or rules framed thereunder.
- (3) The Deputy Commissioner may delegate all or any of his powers under this Regulation or rules framed thereunder, to any officer subordinate to him.

Co-operation with Government officers.

78. The Anchal Samiti shall, so far as practicable, act in co-operation with, and shall assist, every Government officer who works for the welfare of the rural population within its area.

Powers and duties of police in respect of offences and as distance to Anchal Samiti, etc Members, etc., or Anchal Samiti to be public servants Inspec-

- 79. Every police officer shall give immediate information to the Anchal Samiti of an offence coming to his knowledge which has been committed against this Regulation or any rule or bye-law made thereunder within its jurisdiction, and shall assist the members and employees of the Anchal Samiti in the exercise of their lawful authority.
- 80. Every member, officer or other employee of an Anchal Samiti shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

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Removal of

tion and

copies of

records.

- 81. Every Anchal Samiti shall, on application made to it by any person interested, allow inspection of its records and grant certified copies thereof on payment of the prescribed fee.
- **82.** If any difficulty arises in giving effect to the provisions of this difficulties. Regulation, the Governor may, by order published in the Official Gazette, make such provision, not inconsistent with the provisions of this Regulation, which appears to him to be necessary or expedient for the purpose of removing the difficulty.

Power to make rules.

- 83. (1) The Governor may, after previous publication, make rules to carry out the purposes of this Regulation.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—
 - (i) the manner of election of members and the Vice-President or an Anchal Samiti:
 - (ii) the manner of division of a Block into constituencies for the purpose of election of members to an Anchal Samiti under clause (i) of sub-section (1) of section 6;
 - (iii) the functions to be discharged by the Executive Officer of an Anchal Samiti;
 - (iv) the appointment of the officers and employees of Anchal Samitis:
 - (v) the conduct of meetings of Anchal Samitis and the transaction of business thereat;
 - (vi) the appointment of committees of Anchal Samitis and their functions;

- (vii) the travelling and other allowances to be paid to the members of the Anchal Samiti or any other person for attending meetings of Anchal Samiti or any of its committees;
- (viii) the establishment, control, administration and maintenance of dispensaries, hospitals, asylums and places for the reception of the sick or destitute within the jurisdiction of the Anchal Samiti;
 - (ix) the custody and investment of the Anchal Samiti Fund;
- (x) the raising of loans by the Anchal Samitis and the conditions subject to which an Anchal Samiti may make annual or other contributions to Gram Panchayats;
- (xi) the imposition and assessment of taxes, fees and surcharge and the realisation thereof;
- (xii) the form of demand notices and the manner of their service;
- (xiii) the manner of filing appeals under this Regulation and hearing of such appeals;
- (xiv) the collection by Anchal Samitis of any tax, fee or other due on behalf of Government and payment of collection charges therefor;
- (xv) the form of accounts to be maintained by the Anchal Samitis and the Gram Panchayats receiving contributions from an Anchal Samiti and the manner of audit of such accounts;
- (xvi) the form of annual budget estimates of Anchal Samitis and the date before which they are to be prepared;
- (xvii) the manner in which any moneys due to the Anchal Samiti may be recovered;
- (xviii) the manner of election of members and the Vice-President of a Zilla Parishad;
- (xix) the conduct of meetings of Zilla Parishads and the procedure to be followed thereat;
- (xx) the allowances to be paid to the members of the Zilla Parishad and Agency Council for attending meetings;
- (xxi) the manner of election of members to the **Agency** Council;
- (xxii) the conduct of meetings of the Agency Council and the procedure to be followed thereat;

(xxiii) the powers and functions of Inspectors of Local Works;

(xxiv) the fees to be levied by Anchal Samitis for supply of copies of documents and the procedure to be followed in furnishing such copies;

(xxv) any other matter which has to be or may be prescribed:

Provided that the rules under clause (xxii) shall be made after consultation with the Agency Council.

Power to make byelaws,

- 84. (1) Subject to the provisions of this Regulation and the rules made thereunder, an Anchal Samiti may frame bye-laws—
 - (a) to regulate the appointment, functions, powers, duties and conditions of service of its officers and employees;
 - (b) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place;
 - (c) to regulate sanitation, conservancy and drainage in the area within its jurisdiction;
 - (d) to prohibit or regulate the use of roads, public streets or other public places;
 - (e) to regulate the terms and conditions subject to which a licence may be granted for the running of markets by private persons, the fees to be charged therefor and other incidental matters;
 - (f) to regulate the manner in which tanks, ponds, cesspools, pasture lands, play-grounds, manure pits, land for disposal of dead bodies and bathing places may be maintained and used; and
 - (g) to regulate any of its functions under this Regulation.
- (2) Any bye-law made under sub-section (1) may provide that a contravention thereof shall be punishable with fine which may extend to twenty-five rupees and in the case of a continuing contravention, with an additional fine which may extend to five rupees for each day during which the contravention continues.
- (3) The power to make bye-laws conferred under sub-section (1) is conferred subject to the condition of the bye-law being made after previous publication and any bye-law so made shall not take effect until it has been approved by the Governor and published in the Official Gazette.

THE FIRST SCHEDULE

FORM OF OATH OF OFFICE

(See section 11)

I, a member of the Anchal Samiti, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, and that I will duly and faithfully to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour or affection or ill will.

THE SECOND SCHEDULE

MATTERS WITHIN THE JURISDICTION OF ANCHAL SAMTTEE

(See section 20)

PART I

- I .- In the sphere of sanitation and health: --
 - (1) cleaning and lighting of streets:
 - (2) sanitation and conservancy of the area within the jurisdiction of the Gram Panchayat and the prevention of public nuisance therein;
 - (3) opening and regulation of burial and cremation grounds for the dead bodies of human beings and regulating places for disposal of dead animals and of other offensive matter;
 - (4) supply of water for drinking and domestic use;
 - (5) cleaning of public roads, drains, bunds, tanks, wells and other public places or works;
 - (6) layout and maintenance of play-grounds for village children and of public gardens;
 - (7) disposal of unclaimed corpses and unclaimed cattle;
 - (8) construction and maintenance of public latrines;
 - (9) taking of measures to prevent the outbreak, spread or recurrence of any infectious disease;
 - (10) removal of rubbish heaps, jungle growth, the filling in of disused wells, insanitary ponds, pools, ditches, the prevention of water logging in irrigated areas and other improvements in sanitary conditions;
 - (11) providing medical relief;
 - (12) reclaiming unhealthy localities;
 - (13) maternity and child welfare.

(14) encouragement of vaccination in human beings and animals.

II.—In the sphere of public works:—

- (1) control, regulation and development of grazing grounds, village common, and other community property;
- (2) controlling and maintaining buildings, institutions and property belonging to or placed under the control of the Anchal Samitis or which may be transferred to it for management;
- (3) planting of trees along the roads and public places and maintenance thereof;
- (4) establishment, maintenance and management of cattle ponds and to perform such functions as may be transferred to it by notification under section 31 of the Cattle Trespass Act, 1871 (1 of 1871);
- (5) destruction of stray and ownerless dogs,
- (6) removal of obstructions in public places and sites which are not private property;
- (7) construction, maintenance and repair of buildings, water ways, public roads, drains, embankments, bunds and bridges;
- (8) control, maintenance and regulation of fairs, minor hats or minor bazars and cart stands;
 - (9) construction and maintenance of dharamsalas;
- (10) construction and maintenance of houses for the staff of the Anchal Samiti;
- provision and maintenance of camping grounds;
- (12) extension of village sites and the regulation of buildings;
- (13) management of community lands;
- (14) excavation, cleaning and maintenance of ponds for supply of water to animals;
- (15) construction and maintenance of minor irrigation works;
- (16) construction and maintenance of warehouses;
- (17) land management.

III.—In the sphere of education and culture:—

- (1) maintenance of public radio sets for the benefit of rural population;
- (2) establishment and maintenance of library, reading room, club or other places of recreation and games;
- (3) popularisation of village sports, organisation and celebration of national and public festivals;
- (4) spread of education up to Middle English and Middle Vernacular standards;
- (5) establishment and maintenance of youth clubs and other places of recreation;
- (6) establishment and maintenance of theatres for promotion of art and culture.

IV -In the sphere of self-defence and village defence. -

- (1) watch and ward of the village and of the crops therein that the cost of watch and ward shall be levied and recovered from persons resident in the village;
- (2) rendering assistance in extinguishing fires and the protection of life and property in the event of fire

V -In the sphere of administration:-

- (1) maintenance of records relating to agricultural produce, census of village industries, population census, cattle census, spinning wheels and weaving machine census, census of unemployed persons or persons having no economic holding or such other statistics as may be necessary;
- (2) registration of births, deaths, marriages and maintenance of registers for the purpose;
- (3) distribution of such reliefs as may be granted by Government or other agencies;
- (4) supplying local information to the Government or any other statutory authority;
- (5) numbering of premises;
- (6) drawing up of programmes for increasing the output of agricultural and non-agricultural produce in the village,

- (7) preparation of a statement showing the requirements of the supplies and finance needed for carrying out rural development schemes;
- (8) control of cattle stands, threshing floors, grazing grounds and community waste lands;
- (9) reporting to proper authorities complaints which are not removable by Anchal Samitis;
- (10) preparation of plans for the development of the village;
- (11) establishment, maintenance and regulation of fairs, pilgrimages and festivals.

VI.—In the sphere of the welfare of the people:—

- (1) propagation of ideas connected with improved housing, encouraging people to undertake improved housing, installation of smokeless chullas and ventilators:
- (2) organisation of welfare activities among women and children and among illiterate sections of the community:
- (3) welfare of the backward classes;
- (4) organising voluntary labour for community works and works for the uplift of the village.

VII.—In the sphere of agriculture and preservation of forests:-

- (1) construction and maintenance of places for the storage of cow-dung, oil cakes and other manure and regulating its collection, removal and disposal;
- (2) tethering and grazing of cattle and encouraging stall feeding of cattle and growing feeder for the purpose;
- (3) improvement of agriculture;
- (4) establishment of granaries;
- (5) provision of agricultural finance with the assistance of Government, Co-operative and Agricultural Banks;
- (6) bringing under cultivation waste and fallow lands placed by the Governor with the Anchal Samiti;
- (7) ensuring minimum standards of cultivation in the village with a view to increasing agricultural production;
- (8) ensuring conservation of manurial resources, preparation of compost and selling of manures;

- (9) establishment and maintenance of nurseries for improved seeds and provision of implements and stores;
- (10) production and use of improved seeds;
- (11) promotion of co-operative farming;
- (12) crop experiments and crop protection.
- VIII.—In the sphere of breeding and protecting cattle:—

 Improvement of cattle and cattle breeding and general care of live-stock.
- IX.-In the sphere of village industries:-

Promotion, improvement and encouragement of cottage and village industries.

PART II

- I.-In the sphere of sanitation and health:-
 - (1) public health and sanitation including curative and preventive measures in respect of an epidemic;
 - (2) medical relief including establishment and maintenance of hospitals and dispensaries;
 - (3) taking anti-malarial and anti-kala azar measures.
- II.—In the sphere of public works:—
 - (1) maintenance and regulation of the use of public buildings, grazing lands, forest lands including lands assigned under section 28 of the Indian Forest Act, 1927 (16 of 1927), tanks and wells placed under the control of the Anchal Samiti;
 - (2) control of major hats;
 - (3) establishment and maintenance of works or provision of employment in times of scarcity.
- III.—In the sphere of self-defence and village defence:—
 Regulation of offensive and dangerous trades or practices.
- IV .- In the sphere of education and culture:-

Spread of education above the Middle English and Middle Vernacular standards.

- V.—In the sphere of administration:—
 - (1) collection of statistics and maintenance of records;
 - (2) general power over Gram Panchayats in respect of functions assigned to them;
 - (3) to act as agent of the Government for development works within the area where funds for specific purposes are provided;
 - (4) acting as channel through which assistance given by the Governor for any purpose reaches the village.
- VI.—In the sphere of the welfare of people:—
 - Relief of distress caused by floods, drought, earthquake and scarcity conditions and other calamities.
- VII.—In the sphere of agriculture and preservation of forests:—
 - (1) development of agriculture and horticulture;
 - (2) measures for encouraging soil conservation, land reclamation and tree plantation;
 - (3) improvement of cattle and poultry including popularisation of the use of veterinary services, cattle inoculation facilities; castration on scientific lines and establishment of artificial insemination centres.
- VIII.—Any other function that may be assigned to it by the Governor.

ZAKIR HUSAIN, President.

V. N. BHATIA, Secy. to the Govt. of India.



बसाधारण

EXTRAORDINARY

Mai II Man

PART II-Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

नं • 36} वर्ष विश्ली, शनिरार, श्रवर्वर 28, 1967/यातिक 6, 1889 No. 36] NEW DELHI, SATURDAY, OCTOFER 28, 1967/KARTIKA 6, 1889

इस आग में जिल्ल पूछ संस्था दी आली है जिससे कि वह अलग संकलन के कप में रका जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW (Legislative Department)

New Delhi, the 28th October, 1967/Kartika 6, 1889 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS (AMENDMENT) REGULATION, 1967

No. 4 of 1967

Promulgated by the President in the Eighteenth Year of the Republic of India.

A Regulation further to amend the Andaman and Nicobar Islands Regulation, 1876.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

- 1. (1) This Regulation may be called the Andaman and Nicobar Short title and commencement.

 Islands (Amendment) Regulation, 1967.

 Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

 $\mathbf{V}^{(1)}$

Amendment of section 13 3 of 1876.

- 2. In section 13 of the Andaman and Nicobar Islands Regulation. of Regulation 1876 (hereinafter referred to as the principal Regulation).—
 - (i) in the opening paragraph, for the word "modifications", the word "modification" shall be substituted;
 - (ii) in clause (a), the words "and the Chief Commissioner shall be the Sessions Judge of that division" shall be omitted;
 - (iii) clauses (b) to (d) shall be omitted.

Omission of sections 14 and 14A.

3. Sections 14 and 14A of the principal Regulation shall be omitted.

Saving.

4. Notwithstanding the omission of section 14A of the prin ioal Regulation by section 3 of this Regulation, the rules framed by the High Court at Calcutta, in exercise of the powers conferred by article 225 of the Constitution read with the said section 14A shall be deemed to be rules framed under that article read with section 4 of the Calcutta High Court (Extension of Jurisdiction) Act, 1953 41 of 1953. and shall continue in force accordingly.

> ZAKIR HUSAIN, President.

V. N. VHATIA. Secy. to the Govt. of India.



ग्रसाबारण EXTRAORDINARY

भाग Π -श्रुण्ड-1

PART II—SECTION 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 33] नई बिल्ली, शुक्रवार, जून 28, 1968/ग्रावाक 7, 1890 (क्रक) No.33] NEW DELHI, FRIDAY, JUNE 28, 1968/ASHADHA 7, 1890

इस भाग में भिन्न पृष्ठसंख्या दी जाती है जिससे कि यह ग्रलग संकलन के रूप में रका जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW (Legislative Department)

New Delhi, the 28th June, 1968 Ashadha 7, 1890 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS GRAM PANCHAYATS (AMENDMENT) REGULATION, 1968

No. 1 of 1968

Promulgated by the President in the Nineteenth Year of the Republic of India.

A Regulation further to amend the Andaman and Nicobar Islands Gram Panchayats Regulation, 1961.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. This Regulation may be called the Andaman and Nicobar Islands Short title. Gram Panchayats (Amendment) Regulation, 1968.

Amendment of section 49.

2. In section 49 of the Andaman and Nicobar Islands Gram Panchayats Regulation, 1961,—

Reg. 4 01

(i) for the words "The Deputy Commissioner or the Assistant Commissioner shall have power—", the following shall be substituted, namely:—

"Any of the following officers, namely:-

- (1) the Deputy Commissioner,
- (2) the Assistant Commissioner, or
- (3) any other officer authorised in this behalf by the Chief Commissioner,

shall have power-";

- (ii) for clause (b), the following clause shall be substituted, namely:—
 - "(b) to require a Panchayat to take into consideration—
 - (i) any objection which appears to that officer to exist to the doing of anything which is about to be done or is being done by such Panchayat, or
 - (ii) any information which that officer is able to furnish and which appears to him to necessitate the doing of a certain thing by the Panchayat,

and to make a written reply to him, within a reasonable time, stating its reasons for not desisting from doing or for not doing such things.".

ZAKIR HUSAIN,

President.

V. N. BHATIA, Secy. to the Govt. of India.



धसाधारण

EXTRAORDINARY

भाग II-कण्ड-1 PART II-Section 1 प्राविकार से प्रकाशित

PUBLISHED BY AUTHORITY

तं० 40] नई विल्ली, वृथवार, ग्रगस्त 7, 1968/आवणा 16, 1890 No. 40] NEW DELHI, WEDNESDAY, AUGUST 7, 1968/SRAVANA 16, 1890

इस भाग में भिन्न पृष्ठ तंत्र्या की जाती है जिससे कि वह अधन संसक्षम के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 7th August, 1968/Sravana 16, 1890 (Saka)

THE NORTH-EAST FRONTIER AGENCY PUBLIC EMPLOYMENT (REQUIREMENT AS TO RESIDENCE) REGULATION, 1968

No. 2 of 1968

Promulgated by the President in the Nineteenth Year of the Republic of India.

A Regulation to make in pursuance of clause (3) of article I6 of the Constitution special provisions for requirement as to residence in regard to employment in area comprised in the North-East Frontier Agency in connection with the administration of the said Agency.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the North-East Frontier Short title Agency Public Employment (Requirement as to Residence) Regula- and commencement. 1968.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Power to make rules in respect of North-East Frontier Agency Civil Services.

2. The Central Government may, by notification in the Official Gazette make rules prescribing, in regard to appointments to the second and fourth vacancies out of every five vacancies in the posts of Extra Assistant Commissioners and Circle Officers in the North-East Frontier Agency Civil Service to be filled up by direct recruitment, any requirement as to residence, within the area of the said Agency, prior to such appointments.

Explanation.—In this Regulation, the expression "North-East Frontier Agency" shall have the meaning assigned to it in the North-East Frontier Areas (Administration), Regulation, 1954, read with 1 of 1954, the North-East Frontier Agency (Administration) Regulation, 1965. 7 of 1965.

Duration of section 2 and rules.

3 Section 2 and all rules made thereunder shall cease to have effect on the expiration of five years from the commencement of this Regulation, but such cesser shall not affect the validity of any appointment previously made in pursuance of the said rules.

ZAKIR HUSAIN,

President.

V. N. BHATIA, Secy. to the Govt. of India.



धसाभारण

EXTRAORDINARY

आव II--- **अव्य**ा

PART II-Section 1

प्राविकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 66] नई बिल्ली, शनिजार, शक्तूबर 26, 1968/ क लिक 4, 1890 No. 66] NEW DELHI, SATURDAY, OCTOBER 26, 1968/KARTIKA 4, 1890

इस भाग में भिन्न पृष्ट संख्या दी जाती है जिससे कि यह दाला संकलन के रूप में रखा जा सके । Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 26th October, 1968/Kartika 4, 1890 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL BOARDS) AMENDMENT REGULATION, 1968

No. 3 of 1968

Promulgated by the President in the Nineteenth Year of the Republic of India.

A Regulation further to amend the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Andaman and Nicobar Short title Islands (Municipal Boards) Amendment Regulation, 1968.

(2) It shall come into force at once.

Amendment of section 70.

2. In clause (i) of sub-section (1) of section 70 of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957, for the words ¹ of 1957. "a general conservancy rate or a rate for house scavenging", the words "rates for general conservancy or house scavenging or both, together with a compound cleaning charge," shall be substituted.

ZAKIR HUSAIN.

President.

V. N. BHATIA,

Secy, to the Govt of India.

ERRATA

In issue No. 17 of the Gazette of India, Extraordinary, Part-II, Section 1, dated the 29th March, 1968—

1. In the Uttar Pradesh Appropriation Act, 1968 (No. 15 of 1968)—

In the Schedule-

Page 144--

In column 3, under the heading "Voted by Parliament", against item "15", for "1,09,76,000" read "1,09,76,700";

Page 145-

- (i) in column 2, against item "36", for "Grant-in-aid of Public Works" read "Grants-in-aid of Public Works";
- (ii) in column 3, under the heading "Total", against item "37", for "1,66,02300" read "1,66,02,300".
- 2. In the Uttar Pradesh Appropriation (Vote on Account) Act, 1968 (No. 16 of 1968)—

Page 148-

In the Schedule, in column 3, under the heading "Total", against item "27", for "1,39,98,030", read "1,39,98,000".