CENTRAL REGULATIONS \

1. The Laccadive, Minicoy and Amindivi Islands (Computation of period of Limitation for suits and other proceedings) Regulation, 1969.

2. The Dadra and Nagar Haveli Excise Juty Regulation, 1969.

1969 - 1975

- 3. The Andaman and Nicobar Islands Plant Diseases and Pests Regulation, 1969.
- 4. The Dadra and Nagar Haveli Plant Diseases and Pests Regulation, 1969.
- 5. The Laccadive, Minicoy and Amindivi Islands Plant. Diseases and Pests Regulation, 1969.

<u>1970</u>

- 1. The North-East Prontier Agency Preventive Detention Regulation, 1970.
- 2. The Laccadive, Minicoy and Amindivi Islands (Laws) No. 2 Regulation, 1970.
- 3. The Laccadive, Minicoy and Amindivi Islands (Debt conciliation and Grants of Loans) Amendment Regulation, 1970.
- 4. The North-East Frontier Agency Panchayat Raj (Amendment) Regulation, 1970

- 1. The Laccadive, Minicoy and Amindivi Islands Home Guards Regulation, 1971.
- 2. The Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971.
- 3. The Dadra and Nagar Haveli Land Reforms Regulation, 1971.
- 4. The North-East Frontier Agency (Administration) Supplementary Regulation, 1971. (Rep)

1. North-East Frontier Agency (Administration) Supplementary (Amendment) Regulation, 1972.

-2-

1972

- 2. The North-East Frontier Agency Panchayat Raj (Amendment) Regulation, 1972.
- 3. The Dadra and Nagar Haveli Excise Duty (Amendment) Regulation, 1972.

- 1. The Laccadive, Minicoy and Amindivi Islands (Protection of Scheduled Tribes) Amendment Regulation, 1973.
- 2. The Laccadive, Minicoy and Amindivi Islands Money-Lenders Regulation, 1973.
- 3. The Andaman and Nicobar Islands Co-operative Societies Regulation, 1973.
- 4. The Jadra and Nagar Haveli Land Revenue Administration (Amendment) Regulation, 1973.
- 5. The Dadra and Nagar Haveli Land Reforms (Amendment) Regulation, 1973.

<u>1974</u>

- 1. The Code of Criminal Procedure (Amendment) Regulation, 1974.
- 2. The Payment of Wages (Lakshadweep Amendment) Regulation, 1974.

- 1. The Pendicherry General Sales Tax and Motor Vehicles Taxation (Amendment) Regulation, 1975.
- 2. The Pondicherry Municipalities and Village and Commune Panchayats (Amendment) Regulation, 1975.
- 3. The Cattle Trespass (Andaman and Nicobar Islands Amendment) Regulation, 1975.

<u>1973</u>

रजिस्ट्री सं० डी० 221

REGISTERED No. D 221



श्रसाधारण

EXTRAORDINARY

भाग 11---खेण्ड +1

PART II-Section I प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

-सं० 9] नई दिल्ली, सोम गर, फरवरी 24, 1969/फालान 5, 1890 No. 9] NEW DELHI, MONDAY, FEBRUARY 24, 1969/PHALGUNA 5, 1890

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 24th February, 1969/Phalguna 5, 1890 (Saka)

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (COMPUTATION OF PERIOD OF LIMITATION FOR SUITS AND OTHER PROCEEDINGS) REGULATION, 1969

NO. 1 OF 1969

Promulgated by the President in the Twentieth Year of the * Republic of India.

A Regulation to provide for the computation of the period of limitation Republic for suits and other proceedings before any court or other authority with respect to any matter arising 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:--

1. (1) This Regulation may be called the Laccadive, Minicoy and Short title, Amindivi Islands (Computation of Period of Limitation for Suits and other Proceedings) Regulation, 1969.

(2) It extends to the whole of the Union territory of the Minicoy and Amindivi Islands.

(3) It shall nome into force at once.

THE GAZETTE OF INDIA EXTRAORDINARY [PART II-SEC. 1]

Computation of period of limitation for suits, appeals, applications and other proceedings. 40

2. (1) Notwithstanding anything contained in the Limitation Act, 1963, or in any other law for the time being in force in the Union territory of the Laccadive, Minicoy and Amindivi Islands, if any period of limitation prescribed by the said Act or by such law for any suit, appeal, application or other proceeding of whatever nature before any court or other authority with respect to any matter arising in the said Union territory expires on any day during the monsoon period, then, in computing the period of limitation for such suit,' appeal, application or other proceeding, the period to the extent the said period has fallen within the monsoon period shall be excluded.

Explanation.—For the purposes of this section, "monsoon period" means the period of four months ending on the 15th September.

3. (1) In the Laccadive, Minicoy and Amindivi Islands (Civil Courts) Regulation, 1965, section 22 shall be omitted.

Regulation 9 of 1965.

36 of 1963.

Amendment of certain Regulations.

(2) The Regulations mentioned in column 3 of the Schedule shall be amended in the manner indicated in the corresponding entries in column 4 thereof:

Provided that the period of limitation in respect of any appeal against a decision or order made under any of the aforesaid Regulations before the commencement of this Regulation, or in respect of any application for review of such decision or order, shall be computed as if none of the aforesaid Regulations had been amended by this Regulation.

THE SCHEDULE [See section 3(2)]

<i>.</i> •	Year	Number	Short title	Modification		
	ī	2	3	4		
	1959		The Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regula- tion. 1959			
	•		7.4	"Provided that in computing such period the time requisite for obtaining a copy each of the decision, and of the map, shall be exclud- ed."		
•	1960	5	The Laccadive, Minicoy and Amindivi Islands Co- operative Societies Regu- lation, 1960.	(2), the proviso shall be		
	1964	8	The Laccadive, Minicoy and Amindivi Islands (Debt Conciliation and Grant of Loans) Regulation, 1964.	(1), the proviso shall be omitted.		
•	1965	6	The Laccadive, Minicoy and Amindivi Islands Lan Revenue and Tenancy Regulation, 1965.	d shall be omitted.		
				ZAKIR HUSAIN, President.		

V: N. BHATIA, Secy. to the Govt. of India.

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REGISTERED No. D. 221



असाधार एग

EXTRAORDINARY

भाग II--लंब 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

म०.27] नई दिल्ली, शनिवार, जून 21, 1969/ज्येष्ठ 31, 1891 No. 27] NEW DELHI, SATURDAY, JUNE 21, 1969/JYAISTHA 31, 1891

इस भाग में भिन्न पृष्ठ संख्या बी जाती है जिससे कि यह घलग तकलन 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, 1969/Jyaistha 31, 1891 (Saka)

THE DADRA AND NAGAR HAVELI EXCISE DUTY REGULATION, 1969

"No. 2 of 1969

Promulgated by the Vice-President acting as President in the Twentieth Year of the Republic of India.

A Regulation to provide for the levy of a duty of excise on liquor and tree tax 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 Vice-President acting as President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Dadra and Nagar Haveli Short uile, Excise Duty Regulation, 1969.

(2) It extends to the whole of the Union territory of Dadra and Nagar ^{ment}, Haveli.

1. 1. 3. 1970: Vide Nolifu. No. ADM/CA-W/2.38 (i) alt. 31. 1. 1970

(3) It shall come into force on such date as the Administrator may, by notification, appoint.

. 185)

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) "beer" includes ale, stout, porter and any other fermented liquor usually made from malt;

(c) "to bottle" means to transfer liquor from a cask or other vessel to a bottle, jar, flask or similar receptacle for the purpose of sale, whether any process of manufacture or rectification be employed or not, and includes rebottling;

(d) "Commissioner" means the Commissioner appointed under sub-section (1) of section 3;

(e) "country liquor" means liquor manufactured in any part of India other than foreign liquor;

(f) "denatured" means effectually and permanently rendered unfit for human consumption;

(g) "duty" means the duty of excise imposed by or under this Regulation in any of the ways indicated in section 13, and in the case of imports, the countervailing duty mentioned in entry 51 of List II in the Seventh Schedule to the Constitution;

(h) "Excise Officer" means the Commissioner or any other officer appointed under sub-section (1) of section 3;

(i) "export" means taking out of the territory to any place in India beyond the limits of the territory;

(j) "foreign liquor" means beer, brandy, whisky, gin, rum, milk punch, wines and such other liquor as may, by notification be declared by the Administrator, as foreign liquor for the purposes of this Regulation;

(k) "import" means bringing into the territory from any place in India beyond the limits of the territory;

(1) "liquor" includes spirits of wine, methylated or denatured spirits, spirits, wines, toddy, beer, feni and all liquids consisting of or containing alcohol other than medicinal and toilet preparations;

(m) "manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor is produced, prepared or blended and also every process for the réctification or redistillution of liquor;

(n) "notification" means a notification published in the Official Gazette;

(c) "place" includes a house, building, shop, tent, vehicle, vessel, boat, raft or enclosure;

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

(p) "prescribed" means prescribed by rules made under this Regulation;

(q) "proof litre" means a litre of a mixture of ethyl alcohol and distilled water which at the temperature of 10.5 degrees Centigrade weighs exactly twelve-thirteenths (12/13) parts of an equal measure of distilled water at the same temperature;

(r) "rectification" includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith;

(s) "sale" with its grammatical variations and cognate expressions includes every transfer otherwise than by way of gift;

(t) "spirits" means any liquor containing alcohol and obtained by distillation, whether it is denatured or not;

(u) "territory" means the Union territory of Dadra and Nagar Haveli;

(v) "toddy" means fermented or unfermented juice drawn from coconut, khajure, date or any kind of palm tree;

(w) "transport" means to move from one place to another within the territory.

3. (1) For the purpose of implementing the provisions of this Regulation, the Administrator may appoint a Commissioner and such other Excise Officers as may be considered necessary.

Appointment of Excise Officers and delegation of powers.

(2) The Administrator may delegate to the Commissioner all or any of his powers under this Regulation.

(3) The Commissioner may, subject to the approval of the Administrator, delegate to any other Excise Officer appointed under sub-section (1) all or any of his powers under this Regulation.

4. No liquor shall be imported into or exported from the territory except on the authority of a permit issued by the Commissioner indicating that the duty, if any, imposed by or under this Regulation has been paid or a bond has been executed for the payment thereof in the prescribed form and manner.

5. No liquor, exceeding such quantity as the Administrator may, from time to time, prescribe by notification either for the whole of the territory or for any local area thereof, shall be transported within the territory except on the authority of a permit issued by the Commissioner and in accordance with the conditions, if any, specified therein:

Import and export of liquor.

Transport of liquor, Provided that unless the Administrator by notification otherwise directs with respect to any local area, no such permit shall be required when foreign liquor is transported for genuine private consumption or for sale at any place at which the sale of such liquor is duly licensed or permitted under the provisions of this Regulation.

Removal of liquor from distillery, etc.

Manufacture of liquor. 6 No liquor shall be removed from any distillery, brewery, pot still, warehouse or other place of storage established or licensed under this Regulation unless the duty, if any, payable under this Regulation has been paid or unless a bond has been executed for the payment thereof in the prescribed form and manner.

7. (1) No liquor shall be manufactured or produced or bottled, no tree shall be tapped for toddy and no juice shall be drawn from any tree or from cashew fruit except under the authority of a licence issued under this Regulation.

(2) No person shall use, keep or have in his possession any material, still, utensil, implement or apparatus for the purpose of manufacturing any liquor and no distillery, brewery or pot still shall be constructed or worked, save under the authority of a licence issued under this Regulation.

Possession of and transactions in liquor

Sale of liquor.

8. (1) No person, not being a licensed manufacturer or dealer of liquor, shall have in his possession liquor in excess of such quantity as the Administrator may, by notification, prescribe, except under the authority of a permit issued by the Commissioner and in accordance with the conditions, if any, specified therein.

(2) Every dealer or vendor of liquor shall maintain a full account of his transactions in liquor in the prescribed form.

9. No liquor shall be sold except under the authority of a licence issued under this Regulation:

Provided that the Administrator may, by notification, direct that a livence for sale granted under any other law for the time being in force in the territory may, subject to such conditions as may be specified in the notification, be deemed to be a licence granted under this Regulation.

Prohibition of transport of liquor.

liquor.

10. The Administrator may, by notification, prohibit the transport of

Establishment of distilleries and warchouses. 11. The Commissioner may, with the previous approval of the Administrator,—

(a) establish a public distillery, or authorise the establishment of one or more private distilleries, in which liquor may be manufactured under a licence granted under this Regulation;

(b) establish a public warehouse, or authorise the establishment of one or more private warehouses, wherein liquor may be deposited and kept without payment of duty; and

(c) discontinue any public or private distillery or any public or private warehouse so established:

Provided that no private distillery or private warehouse shall be discontinued except after giving a reasonable opportunity to the persons concerned for making any representations against such discontinuance and after considering the representation, if any, received.

12. There shall be levied and collected, at such rates and in such Levy of manner as may be prescribed by or under this Regulation, not exceeding duty. the rates set forth in Parts A and B of the Schedule, a duty of excise on all liquor manufactured in, or brought into, the territory:

Provided that no such duty shall be levied on toddy when used for the manufacture of jaggery, vinegar, yeast or neera or when drunk as such.

13. The duty on liquor leviable under this Regulation may be levied in Mode of one or more of the following ways, namely: ---

(a) by way of a duty on the quantity of liquor manufactured in or passed out of any place of manufacture or storage including a distillery, brewery or warehouse licensed or established under this Regulation; and

(b) by way of a duty on the quantity of liquor imported in the territory.

14. (1) There shall be levied on each tree from which toddy is drawn Recovery of a tax at the rates specified in Part D of the Schedule and the tax so levied ^{tree_tax.} shall be collected in the manner prescribed.

(2) When any tax is levied on a tree under sub-section (1) the licence under section 7 shall be granted to a person other than the owner of such tree only on production of the written consent of such owner to the grant of the licence.

(3) When any tax is due in respect of any tree, it shall be recoverable from the tapper or in default by him, where the tree is tapped without a licence under this Regulation, from the owner or occupier of the land, unless he proves that the tree was tapped without his consent.

Explanation.—In this section, the expression "owner" includes a person in possession.

15. Every licence or permit under this Regulation shall be granted, -- Grant of

licences or permits.

(a) by such officer,

(b) for such period,

(c) subject to such conditions or restrictions, and

(d) in such form and with such particulars,

as may be prescribed by or under this Regulation and on payment of the fees specified in Part C of the Schedule.

16. (1) A licence or permit granted under this Regulation may be Power to cancel ancelled by the Commissioner for good and sufficient reasons to be record-licences. ed in writing.

(2) In particular and without prejudice to the generality of the foregoing power, the Commissioner may cancel or suspend any licence or permit granted under this Regulation,-

(a) if any fee or duty payable by the holder thereof be not duly paid; or

(b) if there is any breach by the holder of such licence or permit, or by his servants, or by any one acting with his express or implied consent on his behalf, of any of the terms or conditions of such licence or permit or of the terms of any agreement executed under section 17; or

(c) if the holder thereof is punished for any offence against this Regulation, or of any cognizable or non-bailable offence; or

(d) if the conditions of the licence or permit provide for such cancellation or suspension.

(3) No licence or permit shall be cancelled under this section except after giving a reasonable opportunity to the holder of the permit or licence for making any representations against such cancellation and after considering the representation, if any, received.

(4) The holder of a licence or permit shall not be entitled to any compensation for the cancellation or suspension thereof under this section nor to a refund of any fee paid or deposit made in respect thereof.

Agreement.

17. Every person taking out a licence under this Regulation may be required to execute an agreement in conformity with the tenor of his licence and in the form prescribed, and to give such security, if any, for the performance of his agreement as may be prescribed.

18. Every person who manufactures or sells any liquor shall—

(a) equip himself with such measures, weights and instruments as the Commissioner may require and keep the same in good condition; and

(b) on the requisition of any Excise Officer duly empowered in that behalf, at any time measure, weigh or test any liquor in his possession in such manner as such Officer may require.

19. No licensed vendor and no person in the employ of a vendor and of sale, etc., acting on his behalf shall sell or deliver any liquor-

(a) to any person apparently under the age of 18 years, or

(b) to any person of unsound mind.

20. In respect of any duty and other sums of any kind payable to the Government under any of the provisions of this Regulation or of the rules made thereunder, the Excise Officer empowered to levy such duty or require the payment of such sums may deduct the amount so payable from any money owing to the person from whom such sums may be recoverable or due which may be in his hands or under his disposal or control, or may recover the amount by attachment and sale of excisable goods belonging to such person; and if the amount payable is not so recovered he may prepare a certificate signed by him specifying the amount due from the person liable to pay the same and send it to the appropriate officer for the time being authorised by law to recover arrears

weights and testing instruments.

Measures.

Prohibition

to certain persons.

Recovery of sums due to Government.

THE REPORT OF THE PARTY OF THE

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

of land revenue and having jurisdiction over the place in which such person resides or conducts his business and the said officer, on receipt of such certificate, shall proceed to recover from the said person the amount specified therein as if it were an arrear of land revenue.

Explanation.—For the purposes of this section, "excisable goods" means liquor on which duty is leviable under this Regulation and includes the container thereof.

21. (1) Every stockist, dealer or vendor of liquor shall give a declara- Transitional. tion in writing to the Commissioner or an officer nominated by him in this behalf, containing detailed particulars and account of the various categories of liquor in his possession or control on the date of coming into force of this Regulation.

(2) No such liquor shall be sold by any such stockist, dealer or vendor of liquor except on payment of duty equal in amount to that leviable on liquor of a like kind if manufactured in, or, as the case may be, imported into, the territory after the commencement of this Regulation and on the grant of permission to sell the same by the Commissioner or his nominee.

(3) The Commissioner may permit the sale of the whole or part of any such stock of liquor on the deposit of a suitable amount pending the payment of the duty leviable or on executing a bond therefor in the form and manner prescribed.

22. (1) The Administrator may make rules generally for the purpose Power of carrying into effect the provisions of this Regulation.

Administrator to make rules.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for,--

(a) regulating the delegation of any power by the Commissioner;

(b) defining the powers and duties of officers of the Excise Department;

(c) regulating the extraction and distillation of toddy and its sale to licensed vendors;

(d) regulating the extraction of cashew juice, the price to be charged for its sale, the distillation of liquor therefrom and its sale;

(e) regulating the import, export, transport or possession of any liquor;

(f) prescribing the mode of, and conditions for, the grant of licence to manufacture or sell liquor by wholesale or by retail, including conditions as to the period of validity of the licence, areas in which it is valid and the procedure to be followed before its grant;

(g) the prohibition of sale of any liquor to such persons or class of persons in such circumstances as may be specified;

(h) the prohibition of the employment by the licensee of such persons or class of persons as may be specified, to assist in his business in such capacity as may be specified;

(i) the prevention of drunkenness, gambling or disorderly conduct in or near any licensed premises and the assembly of persons of bad character in such premises;

THE GAZETTE OF INDIA EXTRAORDINARY [PART II

(j) regulating the deposit of any liquor in a warehouse and its removal therefrom or from any distillery, pot still or brewery;

(k) prescribing the manner of levying or computing the fees payable in respect of any licence or permit, or in respect of storage of any liquor;

(i) regulating the time, place and manner of payment of any duty or fee;

(m) prescribing the restrictions and conditions subject to which any licence or permit may be granted;

(n) fixing the days and hours during which any licensed premises may or may not be kept open, and regulating the closure of such premises on special occasions;

(o) regulating the form of accounts to be maintained and the returns to be submitted by licensees;

(p) declaring the process by which spirits manufactured in India shall be denatured and for causing such spirit to be denatured through the agency or under the supervision of Excise Officers;

(q) providing for the destruction or other disposal of any liquor deemed to be unfit for use; and

(r) regulating the disposal of articles confiscated and the sale proceeds thereof.

23. The Commissioner or any Excise Officer not below such rank as Power to enter and may be prescribed, mayinspect place

(a) enter and inspect at any time by day or by night any place in which any licensed manufacturer carries on the manufacture of or stores any liquor:

Provided that no Excise Officer other than the Commissioner shall so enter or search any residential premises unless he is accompanied by two respectable persons of the locality;

(b) enter and inspect at any time within the hours during which sale is permitted and at any other time during which the same may be open, any place in which any liquor is kept for sale by any person holding a licence under this Regulation;

(c) examine any book, account, or register or examine, test, measure or weigh any materials, stills, utensils, implements, apparatus or liquor found in any such place as is referred to in clauses (a) and (b); and

(d) seize any measures, weights or testing instruments which he has reason to believe to be false.

24. (1) Any officer of the Excise Department not below such rank as may be prescribed may investigate into any offence punishable under this Regulation committed within the limits of the area in which such officer into offences. exercises jurisdiction.

> (2) Any such officer may exercise the same powers in respect of such investigation as an officer in charge of a police station may exercise in respect of an investigation into a cognizable case under the provisions of the Code of Criminal Procedure, 1898 and, if specially empowered in that

Power of certain officers to investigate

of manufac-

ture and

sale.

5 of 1892,

THE GAZETTE OF INDIA EXTRAORDINARY Sec. 11

behalf by the Administrator, such officer may, for reasons to be recorded by him in writing, stop further proceedings against any person concerned in any such offence into which he has investigated.

25. (1) Subject to such restrictions as may be prescribed, any officer Power of seizure and of the Excise. Police, Forest or Land Revenue Department not below such detention. rank as may be prescribed, and any other person duly authorised in this behalf by the Administrator may seize and detain any liquor or other article which he has reason to believe to be liable to confiscation under this Regulation and may search any person, vessel, raft, vehicle, animal, package, receptacle or covering upon whom, or in or upon which, he may have reasonable cause to suspect any such liquor or article to be or to be concealed.

(2) Where, as a result of such search, no liquor or other article is actually found to be concealed on such person, vessel, raft, vehicle, animal, package, receptacle or covering, a certificate to that effect shall be given in the prescribed form by the officer to the person concerned.

26. If any magistrate upon information given by any Excise or Police Search war-Officer or any other person has reason to believe that an offence under this Regulation has been, is being, or is likely to be committed, he may, after recording the information in writing signed by the informant, issue a warrant for the search of any place in which he has reason to believe that any liquor or any utensil, implement, apparatus or materials, in respect of which such offence has been, is being, or is likely to be committed, is kept or concealed.

27. (1) Whenever an officer of the Excise Department, not below such Power of rank as may be prescribed, has reason to believe that an offence punish- Excise Officer to able under this Regulation has been, is being, or is likely to be committed search within any place and that a search warrant cannot be obtained without afford- out warrant. ing the offender an opportunity of concealing evidence of the offence, he may after recording his reasons and grounds of his belief, at any time, by day or night, enter and search such place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Regulation:

Provided that no search shall be made during the hours from 7 P.M. to 7 A.M. save in exceptional circumstances and with the previous approval of the Commissioner.

(2) Any such officer may arrest any person found in such place whom be has reason to believe to be guilty of any offence under this Regulation:

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a magistrate or an Excise Officer.

28. Every officer of the Police, and Land Revenue Department shall Duty of be bound to give immediate information to an officer of the Excise Depart- certain Dement of any breach of any of the provisions of this Regulation which may partments to come to his knowledge, and to aid any officer of the Excise Department in offences and carrying out the provisions of this Regulation upon request made by such to assist o Does.

Officers.

THE GAZETTE OF INDIA EXTRAORDINARY PART II

29. (1) Every officer in charge of a police station shall take charge of and keep in safe custody, pending the orders of a magistrate or the Compolice station missioner or an Excise Officer duly empowered in that behalf, all articles seized under this Regulation which may be delivered to him; and shall allow any officer of the Excise Department who may accompany such articles to the police station or may be deputed for the purpose by his superior officer, to affix his seal to such articles. and to take samples of or from them.

> (2) All samples taken under sub-section (1) shall also be sealed with the seal of the officer in charge of the polick station.

> **30.** (1) It shall be lawful for the district magistrate or a sub-divisional magistrate by notice in writing to the holder of a licence or his agent to require that any shop in which liquor is sold shall be closed at such time or for such period as he may think necessary for the preservation of the public peace.

> (2) If a riot or unlawful assembly is apprehended or occurs in the vicinity of any such shop, it shall be lawful for any magistrate or for any police officer not below the rank of Inspector who is present, to require such shop to be kept closed for such period as may be necessary:

> Provided, however, that when any such order is passed by a police officer, he shall, within twenty-four hours, report the fact to the subdivisional magistrate or the district magistrate and shall thereafter, abide by such directions as the magistrate may give in this regard.

31. Whoever, in contravention of this Regulation or of any rules or order made thereunder, or of the conditions specified in any licence or permit obtained under this Regulation,-

(a) imports, exports, transports or possesses liquor; or

(b) manufactures, produces or bottles liquor; or

(c) constructs or works any distillery, brewery or pot still; or

(d) uses, keeps, or has in his possession any materials, still, utensils, implements or apparatus whatsoever for the purpose of manufacturing liquor; or

(e) sells liquor; or

(f) draws toddy from any tree,

shall be punished for each such offence with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both:

Provided that in respect of any offence under clause (f), the amount of fine may be such lower figure as may be prescribed.

Penalty for certain acts or omissions holders of licence.

32. Whoever, being the holder of a licence or permit granted under this Regulation or being in the employ of such holder and acting on his behalf,---

(a) fails to produce such licence or permit on demand by any Excise Officer or any other officer duly empowered to make suchdemand; or

194 Duty of

Penalty for contravention of provisions.

to take

scized.

charge of articles

Powers of

officers to close liquor

certain

shops.

(b) wilfully does or omits to do anything in breach of any of the conditions of his licence or permit not otherwise provided for in this Regulation; or

(c) wilfully contravenes any rule made under section 22; or

(d) permits drunkenness, disorderly conduct, riot or gambling in any place in which any liquor is sold or manufactured; or

(e) permits persons of notoriously bad character to meet or remain in any such place,

shall be punished for each such offence with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

33. Whoever, being the holder of a licence for the sale or manufacture Penalty for of liquor under this Regulation, or being in the employ of such holder by holders acting on his behalf,---

of licence for sale or

(a) mixes or permits to be mixed with the liquor sold or manu- manufacture. factured by him any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength; or

(b) sells or exposes for sale as foreign liquor which he knows or has reason to believe to be country liquor; or

(c) marks any bottle or its cork, or any case, package or other receptacle containing liquor manufactured from rectified spirit or country liquor with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor,

shall be punished for each such offence with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

34. Whoever, without lawful authority, has in his possession any quan- Penalty for tity of liquor knowing the same to have been unlawfully imported, trans- possession ported or manufactured, or knowing that the prescribed duty has not been liquor. paid thereon, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

of contraband

35. (1) Any Excise Officer or other person exercising powers under this Vexatious Regulation, or the rules made thereunder, who-

search, seizure, etc., by officers.

(a) without reasonable ground of suspicion searches or causes to be searched any place; or

(b) vexatiously and unnecessarily detains, seatches or arrests any person; or

(c) vexatiously and unnecessarily seizes the movable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Regulation; or

(d) commits, as such officer, any other act to the injury of any person, without having reason to believe, that such act is required for the execution of his duty,

shall be punished for each such offence with fine which may extend to two thousand rupees.

(2) Any person wilfully and maliciously giving false information and so causing an arrest or a search to be made under this Regulation shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

Penalties for offences not otherwise provided for.

offences.

36. Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Regulation, or of any rules or order made thereunder, and not otherwise provided for therein, shall be punished for each such act or omission with fine which may extend to one thousand rupees.

37. Whoever attempts to commit an offence punishable under this Punishment for attempt Regulation, or to cause such an offence to be committed, and in such to commit attempt does any act towards the commission of such offence, shall be punishable,---

> (a) where the offence is punishable with fine only, with such fine as is provided for the offence, or

> (b) where the offence is punishable with both imprisonment and fine, with imprisonment for a term which may extend to one-half of the longest term of imprisonment provided for such offence and also with such fine as is provided for the offence.

38. In every prosecution for an offence punishable under this Regulation, it shall be presumed until the contrary is proved, that the accused person has committed such offence in respect of any liquor, or any still, utensil, implement, or apparatus whatsoever for the manufacture of liquor or any such materials as are ordinarily used in the manufacture of liquor. for the possession of which he is unable to account satisfactorily; and the holder of a licence or permit under this Regulation shall be punishable, as well as the actual offender, for any offence committed by any person in his employ and acting on his behalf as if he had himself committed the same, unless he establishes that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

39. (1) No Court shall take cognizance of an offence under this Regulation or the rules made thereunder, other than an offence under section 35, except on complaint made by the Commissioner or any other officer authorised by him either generally or specially in writing.

(2) No Court inferior to that of a magistrate of the first class shall try any offence under this Regulation or the rules made thereunder.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any offence under this Regulation may be tried s of 1898. summarily.

Confiscation.

40. (1) In any case in which an offence has been committed under this Regulation, the liquor, materials, still, utensil, implement or apparatus in respect or by means of which such offence has been committed shall be liable to confiscation.

(2) Any liquor lawfully imported, exported, transported, manufactured. held in possession or sold along with, or in addition to, any liquor liable to confiscation under this section, and the receptacles, packages and coverings in which any such liquor, materials, still, utensil, implement or apparatus as aforesaid is or are found, and the other contents, if any, of the

Presumption as to commission of offence in certain cases.

Co gnizance

of offences.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

receptacles or packages in which the same is or are found, and the animals, carts, vessels or other conveyances used in carrying the same, shall likewise be liable to confiscation:

Provided that no such animal, cart, vessel, or other conveyances shall be so liable to confiscation if the owner thereof, is not the owner of the articles thereby removed and establishes that he had no reason to believe that such offence was being or was likely to be committed.

(3) When anything mentioned in sub-sections (1) and (2) is found in circumstances which afford reason to believe that an offence under this Regulation has been committed in respect or by means thereof, or when such offence has been committed and the offender is not known or cannot be found, the Commissioner may order confiscation of the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing the thing or animal in question or without hearing the person, if any, claiming any right thereto, and considering the evidence, if any, which he produces in support of the claim:

Provided further that if the thing in question is liable to speedy and natural decay, or if the Commissioner is of the opinion that the sale of the thing or animal in question would be for the benefit of its owner, he may at any time direct it to be sold; and the provisions of this section shall, so far as may be, apply to the net proceeds of such sale.

(4) When anything is confiscated under sub-section (1) or under subsection (2), it shall thereupon vest in the Government.

41. In every case in which, under this Regulation, anything is liable to confiscation and penalty, such confiscation and penalty may be ordered.—

(a) without limit by the Commissioner, or

(b) up to confiscation of goods not exceeding five hundred rupees and imposition of penalty not exceeding fifty rupees by such other Excise Officers as the Administrator may, from time to time, empower in that behalf.

42. (1) Whenever confiscation is authorised by this Regulation, the officer ordering the same may give the owner of the goods an option to pay in lieu of confiscation such fine as the officer thinks fit:

Provided that such fine shall not exceed the market price of the goods confiscated less, in the case of imported goods, the duty chargeable thereon.

(2) Payment of the fine does not absolve the owner of the goods from the payment of duties and other charges prescribed in this Regulation.

43. (1) Subject to such conditions, if any, as may be prescribed, the Commissioner may accept from any person alleged to have committed an offence under this Regulation or any rules made thereunder other than an offence under section 35, either before or after the commencement of any proceedings against such person in respect of such offence, by way of composition for such offence, a sum not exceeding two thousand rupees.

Power of Commissioner to compound offenges.

Limits of confiscation.

Fine in lieu

of confisca-

(2) When compounding of an offence is accepted the power to confiscate the goods seized under this Regulation in respect of such offence shall be vested in the Commissioner.

(3) On payment in full of such sum as may be determined by the Commissioner under sub-section (1),—

(a) no proceedings shall be commenced against such person as aforesaid; and

(b) if any proceedings have been already commenced against such person as aforesaid, such proceedings shall not be further proceeded with.

Appeals.

44. (1) Any person deeming himself aggrieved by any decision or order passed by any Excise Officer under this Regulation or the rules made thereunder may, within ninety days from the date of such decision or order, appeal therefrom to the Commissioner or where the decision or order was passed by the Commissioner, to the Administrator and the Commissioner or the Administrator, as the case may be, may, after making such inquiry and after giving the aggrieved party a reasonable opportunity of being heard in the matter, confirm, alter or annul the decision or order appealed against:

Provided that no such order in appeal shall have the effect of subjecting any person to any greater confiscation or penalty than has been adjudged against him in the original decision or order.

(2) Every order passed in appeal under this section shall, subject to the power of revision conferred by section 45, be final.

45. The Administrator may, on the application of any person aggrieved Revision by Administraby any decision or order passed under this Regulation, or the rules made thereunder, by any Excise Officer or by the Commissioner and from which no appeal lies, reverse or modify such decision or order.

Exemptions.

tor.

46. (1) Where in the opinion of the Administrator reasonable grounds exist for doing so, the Administrator may, by notification and subject to such conditions and restrictions as he may impose, exempt any person or class of persons or any liquor from all or any of the provisions of this Regulation or the rules made thereunder either throughout the territory or in any specified part thereof or for any specified period or occasion.

(2) For the removal of doubts it is hereby declared that nothing in this Regulation shall apply to the import, export, possession or transport of liquor or other articles dealt with by any law relating to Customs or Central Excise.

Publication of rules and notifications.

Bar of certain suits.

47. All rules made and notifications issued under this Regulation shall be published in the Official Gazette and shall thereupon have effect from the date of such publication or from such other date as may be specified in that behalf.

48. (1) No suit shall lie in any civil court against the Government or any officer of Government for damages for any act in good faith done or intended to be done under this Regulation.

(2) No civil court shall try any suit which may lawfully be brought against the Government in respect of anything done or alleged to be done under this Regulation unless the suit is instituted within one hundred and eighty days from the date of commission of the act complained of.

Sec. 11 THE GAZETTE OF INDIA EXTRAORDINARY

49. (1) On the commencement of this Regulation, the Abkari Act, Repeal and savings. 1956 shall stand repealed.

10 of 1807.

(2) The provisions of the General Clauses Act, 1897, shall apply to the repeal under sub-section (1) as if the law referred to therein were a Central Act.

(3) Anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, byelaw or scheme framed, certificate obtained, permit or licence granted) under the Abkari Act, 1956 shall be deemed to have been done or taken under the corresponding provision of this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Regulation.

59. If any difficulty arises in giving effect to the provisions of this Power to Regulation, the Administrator, may, by order, do anything not inconsistent difficultures. with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty:

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Provided that no such order shall be made after the expiration of three years from the commencement of this Regulation.

THE SCHEDULE

(See sections 12, 14 and 15)

PART A

Rates of duty on liquor manufactured in or passed out of any place of manufacture or storage including a distillery, brewery or warehouse licensed or established under this Regulation:

(1) Foreign liquor other than milk punch, wines and beer	9 00 per proof litre.			
(2) Milk punch and wines	4.00 per bulk litre.			
(3) Beer	0.75 per bulk litre.			
(4) Country liquor	1.00 per proof litre.			
(5) Rectified spirit or absolute alcohol except when used for manufacture of liquor or for medical purposes	0 50 per proof litre.			
	 punch, wines and beer (2) Milk punch and wines (3) Beer (4) Country liquor (5) Rectified spirit or absolute alcohol except when used for manufacture 			

(6) For blending of country liquor.

0.50 per bulk litre in addition to the duty on manufacture.

Rs. Ps.

PART B

Kates of countervailing duty on liquor imported into the territory:

4. Dulis. Ly Reg. 3 41972 S.2 (ever

Such amount as represents the difference, if any, between the duty leviable under this Regulation on the quantity of liquor imported, had it been manufactured in the territory and the duty actually levied on the same quantity of similar goods produced at the place of manufacture.

PART C

Rates of fees on licences per year:

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- (1) For manufacturing foreign liquor Rs. 500/-. other than beer
- (2) For manufacturing beer Rs. 250/-.
 (3) For manufacturing rectified spirit or Rs. 200/-. absolute alcohol or both
- (4) For manufacturing country liquor Rs. 13/- per still.
 (5) For blending of country liquor Rs. 150/-.
 (6) For bottling of foreign liquor Rs. 100/-.
- (7) For bottling of country liquor Rs. 50/-,

II --- Sale :---

- (1) For wholesale vendors of liquor Rs. 500/-,
- (2) For retail vendors of liquor Rs. 200/-.
- (3) For wholesale vendors of rectified Rs. 200/-.
 spirit or absolute alcohol or denatured spirit
- (4) For retail vendors of rectified spirit Rs. 50/-.
 or absolute alcohol or denatured spirit

III.-Import and export:-

(1) For wholesale vendors of liquor Rs. 10/-. liquor

IV.-Miscellaneous:-

- For retail vendors of liquor for keeping the shops open up to two hours after the prescribed time of closing: a surcharge of 50% of the licence fee.
- (2) For an occasional licence for retail vendors of liquor: First day Rs. 10/-, next 4 days Rs. 6/- per day, next 15 days Rs. 4/- per day, next 40 days Rs. 2.50 per day and next 60 days Rs. 1.50 per day.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

PART D

Tree tax per tree per year:

Coconut tree and palm tree Khajure tree and date tree Rs. 10/-. Rs. 7/-.

> V. V. GIRI, Vice-President, acting as President

N. D. P. NAMBOODIRIPAD,

Joint Secy. to the Govt. of India.

ERRATA

In the Finance Act, 1968 (19 of 1968) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 11th May, 1968,— Page 204

In the marginal heading to section 4, for "section" read "section". Page 221

(i) In line 5 omit "in-".

(ii) In line 12, after "POWER" insert ",".

Page 222

In line 41, after "STEEL" insert ",".

Page 228

(i) In line 34, for "od" read "or".

(ii) In line 35, for "famiy" read "family".

Page 230

(i) In the margin against line 2, for "52 of 1962". read "52 of 1963.".

(ii) In line 30, after "computed" insert "in".

Page 231

(i) In line 16, for "ths" read "the".

(*ii*) In line 27, for ";" read ":".

Page 234

(i) For page No. "334" read "234".

(ii) In line 35, after "income" insert ";".

Page 248

In line 13, for "wihout" read "without".

Page 254

In penultimate line, for "attachme" "read "attachments".

In the Laccadive, Minicoy and Amindivi Islands (Computation of Period of Limitation for Suits and other Proceedings) Regulation, 1969 (1 of 1969) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 24th February, 1969, at page 39 in the margin against Preamble, omit "Republic".

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रजिस्ट्री नं० डी० 221

REGISTERED No. D. 221



ग्रसाधारण

EXTRAORDINARY

भाग II--खंड 1

PART II-Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 38] नई दिल्लो, जुक्रवार, ग्रास्त 22, 1969/आव. 31, 1891 No. 38] NEW DELHI, FRIDAY, AUGUST 22, 1969/SRAVANA 31, 1891

इस भाग में भिन्न पृष्ठ 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 22nd August, 1969/Sravana 31, 1891 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS PLANT DISEASES AND PESTS REGULATION, 1969

No. 3 of 1969

Promulgated by Shri M. Hidayatullah, discharging the functions of the President, in the Twentieth Year of the Republic of India.

A Regulation to provide for the prevention of the introduction into, or spread or re-appearance in, the Union territory of the Andaman and Nicobar Islands of plant diseases, plant pests, plant parasites and noxious weeds, and for matters connected therewith.

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

1. (1) This Regulation may be called the Andaman and Nicobar Islands Plant Diseases and Pests Regulation, 1969.

(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 Andaman and Nicobar Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,-

(a) "affected area" means any area declared as such under section 3;

Short title, extent and commencement.

Definitions.

532 G, of I.

(261)

THE GAZETTE OF INDIA EXTRAORDINARY [PART II

(b) "Chief Commissioner" means the Chief Commissioner of the Union territory of the Andaman and Nicobar Islands;

(c) "competent authority" means the officer appointed by the Chief Commissioner to exercise the powers and perform the functions of the competent authority under this Regulation;

(d) "Inspecting Officer" means an Inspecting Officer appointed under section 4;

(e) "noxious weed" means any weed declared as such under section 3;

(f) "occupier" means the person having for the time being the right of occupation of any land, water or premises, or his authorised agent, or any person in actual occupation of the land, water or premises;

(g) "plant" includes all horticultural or agricultural crops, trees, bushes, or herbs, and also includes the seeds, fruits, leaves, trunks, roots, barks or cutting or any other part, of a plant;

(h) "plant disease" means any disease caused to a plant by fungoid, bacteria, virus, parasite or any other organism, declared as such under section 3;

(i) "plant parasite" means any plant or animal carrying on its existence, wholly or in part, on any agricultural crop, plant, tree, bush or herb and declared as such under section 3;

(j) "plant pest" means any insect or animal, whether vertebrate or invertebrate, declared as such under section 3 and includes any animal organism;

(k) "prescribed" means prescribed by rules made under this Regulation.

3. Where it appears to the Chief Commissioner that any disease, pest, parasite or weed in any area is injurious to plants or is likely to contaminate water or is obstructive to water-ways, and that it is necessary to take measures to eradicate such disease, pest, parasite or weed, or to prevent its introduction into, or spread or re-appearance in, any area in the Union territory of the Andaman and Nicobar Islands (hereinafter referred to as the "territory"), the Administrator may, by notification in the Andaman and Nicobar Gazette, declare that area to be an affected area for such period as may be specified therein and may, with reference to such area, also—

(a) declare that such disease, pest, parasite or weed is a plant disease, plant pest, plant parasite or noxious weed;

(b) prohibit or restrict the movement or removal of any plant, soil or manure from one place to another;

(c) prohibit the plantation or growing of any plant which is, or is likely to be, injurious to other plants; and

(d) direct that such other preventive or remedial measures, as the competent authority may consider necessary, to eradicate, destroy or prevent the introduction into, or spread or re-appearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed, shall be carried out.

Power to declare affected area, plant diseases, plant pests, plant parasites and noxious weeds.

4. The Chief Commissioner may, by notification in the Andaman and Nicobar Gazette, appoint such persons as he thinks fit to be Inspecting Officers for the purposes of this Regulation and specify the areas in respect of which each Inspecting Officer shall exercise jurisdiction.

5. (1) On or after the issue of a notification under section 3, the competent authority may, by notice,—

(a) direct every occupier within the affected area to carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested) as may be specified in the notice, to eradicate, destroy or prevent the introduction into, or spread or re-appearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed;

(b) call upon any male person, not below the age of eighteen years and residing within the said area, to render such assistance as may be specified in the notice, in carrying out the measures referred to in clause (a):

Provided that—

(i) no person shall be called upon to render whole-time service for a period exceeding seven days at a time, and, where he has rendered such service, there shall be an interval of not less than ninety days, computed from the day when the previous whole-time service ended, before he is again called upon to render whole-time service; and

(*ii*) no person who is, by reason of old age, physical disability or any other reasonable cause, incapable of rendering assistance, or who resides at a distance of more than eight kilometres from the place where his presence is required for the purpose of rendering assistance, or who lives in an island other than the island in which such place is situated, shall be called upon to render such assistance; and

(c) specify the area within which and the period during which the measures referred to in clause (a) are to be carried out.

(2) It shall not be necessary to serve notices on every occupier under clause (a) of sub-section (1) or every other person whose assistance is required under clause (b) of the said sub-section, and a proclamation in this behalf made, by beat of drum or other customary mode of publication, in the concerned area, village or locality shall be deemed sufficient notice to all persons residing in that area, village or locality.

6. On the issue of a notice under sub-section (1) of section 5,—

(a) it shall be the duty of every occupier within the affected area to carry out such preventive or remedial measures as may be specified in the notice; and

(b) it shall be the duty of every male person residing within the affected area to render assistance in the manner specified in the notice.

7. An Inspecting Officer may, after giving reasonable notice to the occupier, enter in or upon any land, water or premises situated in the affected area for the purpose of ascertaining—

(i) whether there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises; and

Duties of occupier on the issue of notice under section 5.

Appointment of Inspecting Officers.

Power to issue directions.

Inspecting Officer to enter in or upon any land, water or premises

of

Power

THE GAZETTE OF INDIA EXTRAORDINARY [PART II

(ii) whether any preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have been carried out.

8. (1) If, on inspection of any land, water or premises, an Inspecting Officer finds that there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises and that the preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have not been carried out, he may, subject to any general or special orders of the competent authority and without prejudice to any action that may be taken against the defaulter under section 11, carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested).

(2) The Inspecting Officer may, by order, direct an occupier to pay such sum as may be specified in the order, towards the cost of any preventive or remedial measures carried out under sub-section (1) and the occupier shall pay the said sum on demand, and if he fails or omits to pay the said sum within such time as may be specified by the Inspecting Officer, the said sum shall be recoverable from him as if it were an arrear of land revenue.

(3) The order referred to in sub-section (2) shall be served on the occupier in such manner as may be prescribed.

Power to carry out measures in emergent situations. 9. (1) Notwithstanding anything contained in section 3 and sections 5 to 8, if the Chief Commissioner is satisfied that plants in any affected area are in danger of being damaged or destroyed by any plant disease, plant pest, plant parasite or noxious weed prevalent or existing in that area and that it is necessary to take immediate preventive or remedial measures, he may, by notification in the Andaman and Nicobar Gazette,—

(a) declare that it shall be competent for any Inspecting Officer to carry out such preventive or remedial measures in the affected area or any part thereof or to take such other steps (including the removal or destruction of plants which are, or are likely to be, infested) as he may deem fit;

(b) direct that every occupier in respect of whose land, water or premises such preventive or remedial measures or other steps have been taken shall be liable to pay the cost thereof at such rate and within such time as the Inspecting Officer may, by order, from time to time determine, having regard to the following, namely:—

(i) the reasonable charges incurred for labour, material or use of implements; and

(ii) any other reasonable charges incurred for the purposes aforesaid.

(2) Subject to any general or special order of the Chief Commissioner, any Inspecting Officer may, upon the issue of a notification under subsection (1), enter in or upon any land, water or premises within the affected area and carry out such preventive or remedial measures or take such other steps referred to in clause (a) of sub-section (1) as he may deem fit.

(3) The Inspecting Officer shall assess the amount payable by an occupier in respect of the preventive or remedial measures carried out or

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Power to carry out

measures.

other steps taken under sub-section (2) and he may, by an order in writing, direct the occupier to pay the sum so assessed.

(4) If the occupier fails to pay the amount so assessed within the time fixed under clause (b) of sub-section (1), or within such further time as may be granted by the Inspecting Officer, the amount shall be recoverable from him as if it were an arrear of land revenue.

(5) Any order referred to in sub-section (1) or sub-section (3) shall be served on the occupier in such manner as may be prescribed.

10. (1) Any occupier aggrieved by an order made under sub-section (2) of section 8 may, within thirty days from the date of service on him of the order, prefer an appeal to the competent authority, on the ground that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(2) Any occupier aggrieved by an order made by the Inspecting Officer under sub-section (1) or sub-section (3) of section 9 may, within thirty days from the date of service on him of the order, prefer an appeal to the competent authority on the ground—

(a) that the assessment or determination of the amount payable has not been made in accordance with the rates fixed by the Inspecting Officer; or

(b) that the amount assessed includes charges other than the charges mentioned in sub-clauses (i) and (ii) of clause (b) of subsection (1) of section 9; or

(c) that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(3) On receipt of an appeal under sub-section (1) or sub-section (2), the competent authority shall, after making such inquiry as it may deem fit and after giving the occupier a reasonable opportunity of being heard, pass such order thereon as it may deem fit.

(4) Every order passed under sub-section (3) shall be final.

11. (1) If any person—

(a) acts in contravention of the prohibition or restriction contained in any notification issued under section 3; or

(b) acts in contravention of the direction contained in a notice issued under sub-section (1) of section 5, or fails to render assistance, having been called upon to do so by notice issued under the said sub-section; or

(c) obstructs the entry of the Inspecting Officer under section 7 or sub-section (2) of section 9; or

(d) obstructs the carrying out of the preventive or remedial measures under sub-section (1) of section 8 or sub-section (2) of section 9,

he shall be punishable for the first offence with fine which may extend to fifty rupees, and for the second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) If a person is convicted under this section for the contravention of the prohibition or restriction contained in any untification issued

Penalties.

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Appeal.

THE GAZETTE OF INDIA EXTRAORDINARY

PART II

under section 3, the plant or soil or manure in respect of which such contravention has been made may be forfeited to the Central Government.

12. No magistrate shall take cognizance of an offence under this Regulation except upon a complaint made by an Inspecting Officer.

13. All village officers, and such other officers as may be specified in the rules made under this Regulation, of the village or villages adjoining an affected area shall forthwith report the existence within the village or villages of any plant disease, plant pest, plant parasite or noxious weed of the nature specified in the notification issued under section 3 in respect of the said area, to the competent authority, which shall, after making such inquiry as it may deem fit, make a further report to the Chief Commissioner.

14. No suit, prosecution or other legal proceedings shall lie against the Chief Commissioner, the competent authority or any other officer employed in connection with the affairs of the territory in respect of any-thing done or intended to be done in good faith under this Regulation or for any damage caused by any action taken in good faith in carrying out the provisions of this Regulation.

15. The Chief Commissioner may, by notification in the Andaman and Nicobar Gazette, delegate to any officer all or any of the powers conferred on him by this Regulation, except the power to make rules under section 16, and any power so delegated shall be exercised by that officer subject to such restrictions and conditions as may be specified in the notification.

16. (1) The Chief Commissioner may, after previous publication, by notification in the Andaman and Nicobar Gazette, 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 manner in which any notice or order issued or made under this Regulation is to be served or the conditions under which such notice or order shall be deemed to have been served;

(b) the form in which an appeal under sub-section (1) or subsection (2) of section 10 shall be filed;

(c) the officers other than village officers who shall make report under section 13; and

(d) such other matters as are required to be, or may be, prescribed.

(3) Any rule made under this Regulation may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.

> M. HIDAYATULLAH, discharging the functions of the President.

Power to make rules,

Cognizance of offences.

of village officers to report plant diseases, plant pests, etc.

Obligation

Bar of suits or other legal proceedings.

Delegation

of powers.

Séc. 1] THE GAZETTE OF INDIA EXTRAORDINARY

THE DADRA AND NAGAR HAVELI PLANT DISEASES AND PESTS REGULATION, 1969

No. 4 of 1969

Promulgated by Shri M. Hidayatullah, discharging the functions of the President, in the Twentieth Year of the Republic of India.

Regulation A to provide for the prevention of the introduction into, or spread or re-appearance in, the Union territory of Dadra and Nagar Haveli of plant diseases, plant pests, plant parasites and noxious weeds, and for matters connected therewith.

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

1. (1) This Regulation may be called the Dadra and Nagar Havel Short title, Plant Diseases and Pests Regulation, 1969.

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.

2. In this Regulation, unless the context otherwise requires,---

Definitions.

(a) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli;

(b) "affected area" means any area declared as such under section 3;

(c) "competent authority" means the officer appointed by the Administrator to exercise the powers and perform the functions of the competent authority under this Regulation;

(d) "Inspecting Officer" means an Inspecting Officer appointed under section 4;

(e) "noxious weed" means any weed declared as such under section 3;

(f) "occupier" means the person having for the time being the right of occupation of any land, water or premises, or his authorised agent, or any person in actual occupation of the land, water or premises;

(g) "Official Gazette" means the Gazette of the Union territory of Dadra and Nagar Haveli or until the said Gazette is published, the Gazette of India;

(h) "plant" includes all horticultural or agricultural crops, trees, bushes or herbs, and also includes the seeds, fruits, leaves, trunks, roots, barks or cutting or any other part, of a plant;

THE GAZETTE OF INDIA EXTRAORDINARY [PART II

(i) "plant disease" means any disease caused to a plant by fungoid, bacteria, virus, parasite or any other organism, declared as such under section 3;

(j) "plant parasite" means any plant or animal carrying on its existence, wholly or in part, on any agricultural crop, plant, tree, bush or herb and declared as such under section 3,

(k) "plant pest" means any insect or animal, whether vertebrate or invertebrate, declared as such under section 3 and includes any animal organism;

(l) "prescribed" means prescribed by rules made under this Regulation.

3. Where it appears to the Administrator that any disease, pest, parasite or weed in any area is injurious to plants or is likely to contaminate water or is obstructive to water-ways, and that it is necessary to take measures to eradicate such disease, pest, parasite or weed, or to prevent its introduction into, or spread or re-appearance in, any area in the Union territory of Dadra and Nagar Haveli (hereinafter referred to as the 'territory'), the Administrator may, by notification in the Official Gazette, declare that area to be an affected area for such period as may be specified therein and may, with reference to such area, also—

(a) declare that such disease, pest, parasite or weed is a plant disease, plant pest, plant parasite or noxious weed;

(b) prohibit or restrict the movement or removal of any plant, soil or manure from one place to another;

(c) prohibit the plantation or growing of any plant which is, or is likely to be, injurious to other plants; and

(d) direct that such other preventive or remedial measures, as the competent authority may consider necessary, to eradicate, destroy or prevent the introduction into, or spread or re-appearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed, shall be carried out.

4. The Administrator may, by notification in the Official Gazette, appoint such persons as he thinks fit to be Inspecting Officers for the purposes of this Regulation and specify the areas in respect of which each Inspecting Officer shall exercise jurisdiction.

5. (1) On or after the issue of a notification under section 3, the competent authority may, by notice,—

(a) direct every occupier within the affected area to carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested) as may be specified in the notice, to eradicate, destroy or prevent the introduction into, or spread or re-appearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed;

(b) call upon any male person, not below the age of eighteen years and residing within the said area, to render such assistance as may

Power to declare affected area, plant diseases. plant pests, plant parasites and noxious weeds.

Appointment of Inspecting Officers.

Power to issue directions.

Sec. 1] THE GAZETTE OF INDIA EXTRAORDINARY

be specified in the notice, in carrying out the measures referred to in clause (a):

Provided that—

(i) no person shall be called upon to render whole-time service for a period exceeding seven days at a time, and, where he has rendered such service, there shall be an interval of not less than ninety days, computed from the day when the previous whole-time service ended, before he is again called upon to render whole-time service; and

(ii) no person who is, by reason of old age, physical disability or any other reasonable cause, incapable of rendering assistance, or who resides at a distance of more than eight kilometres from the place where his presence is required for the purpose of rendering assistance, shall be called upon to render such assistance; and

(c) specify the area within which and the period during which the measures referred to in clause (a) are to be carried out.

(2) It shall not be necessary to serve notices on every occupier under clause (a) of sub-section (1) or every other person whose assistance is required under clause (b) of the said sub-section, and a proclamation in this behalf made, by beat of drum or other customary mode of publication, in the concerned area, village or locality shall be deemed sufficient notice to all persons residing in that area, village or locality.

6. On the issue of a notice under sub-section (1) of section 5,—

(a) it shall be the duty of every occupier within the affected area to carry out such preventive or remedial measures as may be specified in the notice; and

(b) it shall be the duty of every male person residing within the affected area to render assistance in the manner specified in the notice.

7. An Inspecting Officer may, after giving reasonable notice to the occupier, enter in or upon any land, water or premises situated in the affected area for the purpose of ascertaining—

(i) whether there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises; and

(ii) whether any preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have been carried out.

8. (1) If, on inspection of any land, water or premises, an Inspecting Officer finds that there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises and that the preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have not been carried out, he may, subject to any general or special orders of the competent authority and without prejudice to any action that may be taken against the defaulter under section 12, carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested with pests). 532 G of I-2.

Duties of occupier on the issue of notice under section 5.

Inspecting Officer to enter in or upon any land, water or premises.

Power of

Power to carry out measures.

THE GAZETTE OF INDIA EXTRAORDINARY [PART II

(2) The Inspecting Officer may, by order, direct an occupier to pay such sum as may be specified in the order, towards the cost of any preventive or remedial measures carried out under sub-section (1) and the occupier shall pay the said sum on demand, and if he fails or omits to pay the said sum within such time as may be specified by the Inspecting Officer, the said sum shall be recoverable from him as if it were an arrear of land revenue.

(3) The order referred to in sub-section (2) shall be served on the occupier in such manner as may be prescribed.

9. (1) Notwithstanding anything contained in section 3 and sections 5 to 8, if the Administrator is satisfied that plants in any affected area are in danger of being damaged or destroyed by any plant disease, plant pest, plant parasite or noxious weed prevalent or existing in that area and that it is necessary to take immediate preventive or remedial measures, he may, by notification in the Official Gazette,—

(a) declare that it shall be competent for any Inspecting Officer to carry out such preventive or remedial measures in the affected area or any part thereof or to take such other steps (including the removal or destruction of plants which are, or are likely to be, infested) as he may deem fit;

(b) direct that every occupier in respect of whose land, water or premises such preventive or remedial measures or other steps have been taken shall be liable to pay the cost thereof at such rate and within such time as the Inspecting Officer may by order from time to time determine, having regard to the following, namely:---

(i) the reasonable charges incurred for labour, material or use of implements; and

(*ii*) any other reasonable charges incurred for the purposes aforesaid.

(2) Subject to any general or special order of the Administrator, any Inspecting Officer may, upon the issue of a notification under sub-section (1), enter in or upon any land, water or premises within the affected area and carry out such preventive or remedial measures or take such other steps referred to in clause (a) of sub-section (1), as he may deem fit.

(3) The Inspecting Officer shall assess the amount payable by an occupier in respect of the preventive or remedial measures carried out or other steps taken under sub-section (2) and he may, by an order in writing, direct the occupier to pay the sum so assessed.

(4) If the occupier fails to pay the amount so assessed within the time fixed under clause (b) of sub-section (1), or within such further time as may be granted by the Inspecting Officer, the amount shall be recoverable from him as if it were an arrear of land revenue.

(5) Any order referred to in sub-section (1) or sub-section (3) shall be served on the occupier in such manner as may be prescribed.

10 (1) Any occupier aggrieved by an order made under sub-section (2) of section 8 may, within thirty days from the date of service on him of the order, prefer an appeal to the competent authority, on the ground

Power to carry out measures in emergent situations.

Appeal.

Sec. 1] THE GAZETTE OF INDIA EXTRAORDINARY

that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(2) Any occupier aggrieved by an order made by the Inspecting Officer under sub-section (1) or sub-section (3) of section 9 may, within thirty days from the date of service on him of the order, prefer an appeal to the competent authority on the ground—

(a) that the assessment or determination of the amount payable has not been made in accordance with the rates fixed by the Inspecting Officer; or

(b) that the amount assessed includes charges other than the charges mentioned in sub-clauses (i) and (ii) of clause (b) of subsection (1) of section 9, or

(c) that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(3) On receipt of an appeal under sub-section (1) or sub-section (2), the competent authority shall, after making such inquiry as it may deem fit and after giving the occupier a reasonable opportunity of being heard, pass such order thereon as it may deem fit.

(4) Every order passed under sub-section (3) shall be final.

11. (1) Where any affected area, in respect of which locusts have been declared to be a plant pest under section 3, is infested or is in danger of being infested by locusts, the competent authority may, by order in writing, requisition such vehicle as it considers necessary for the purpose of facilitating preventive or remedial measures or other steps against locusts and make such further orders as may appear to him to be necessary or expedient in connection with the requisition.

Power to requisition vehicles in case of locust menace.

(2) Every order made under sub-section (1) shall be served on such persons and in such manner as may be prescribed.

(3) Any vehicle requisitioned under this section may be used or dealt with in such manner as may appear to the officer requisitioning the vehicle to be necessary or expedient.

(4) If the owner of the vehicle in respect of which an order of requisition has been made, does not place the vehicle at the disposal of the officer or authority mentioned therein, such officer or authority may, without prejudice to any other action that may be taken under this Regulation or the rules made thereunder, seize the vehicle from any person who for the time being may be in possession thereof.

(5) No person shall remove or allow to be removed any part of a vehicle (including tyre, tube or any other accessory) in respect of which an order of requisition has been made, or in any way damage the vehicle or permit it to be damaged so as to reduce its value or utility.

(6) When any vehicle is requisitioned under this section, there shall be paid to the owner thereof such compensation as may be agreed upon between him and the officer requisitioning the vehicle, and in the absence of any such agreement, such compensation as the competent

[PART II

authority may determine in the prescribed manner, having due regard to the type and condition of the vehicle at the time of requisition and the loss caused to the owner :

Provided that where immediately before the requisitioning, the vehicle was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the amount determined under this subsection as the compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, or in default of agreement, in such manner as the competent authority may decide.

(7) The order determining the compensation and in a case where the compensation is to be apportioned under the proviso to sub-section (6), the order apportioning such compensation shall be served in the prescribed manner and the amount of compensation shall be paid within the prescribed time.

(8) Any person aggrieved by an order determining or apportioning compensation under sub-section (6) may appeal against that order to such authority and within such time as may be prescribed.

(9) The officer requisitioning any vehicle may at any time and shall, not later than the expiry of a period of two weeks from the date on which infestation or danger of infestation by locusts is over, release the vehicle from requisition and when he decides to do so, he shall serve a notice in writing on the owner thereof in the prescribed manner requiring the owner to take delivery of the vehicle on or before such date and from such place and person as may be specified therein.

(10) When a notice under sub-section (9) is served, with effect from the date specified in such notice, no further liability for compensation or payment of any other kind shall accrue for requisitioning the vehicle:

Provided that the officer requisitioning the vehicle may make such further payment on account of compensation for any material damage done to the vehicle during the period of requisitioning as may be assessed by the competent authority.

(11) The delivery of possession of the vehicle to the owner thereof or his accredited agent shall be a full discharge of any liability of the Central Government to deliver possession to such person as may have rightful claim to possession thereof, but shall not prejudice any right in respect of such vehicle which any other person may be entitled by due process of law to enforce against the person to whom possession of the vehicle is so delivered.

(12) If the owner fails to take delivery of the vehicle on or before the specified date, the officer who passed the order of release of the vehicle may dispose of the same thereafter in the manner provided in sub-section (13):

Provided that such officer shall be competent to allow the owner such extension of time as he deems proper without any liability for any compensation or other payment for the period of extension.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

(13) The disposal of a vehicle under sub-section (12) shall be by public auction and at the risk of the owner and the sale-proceeds thereof shall be made over to the owner after deducting any expenditure incurred by the officer releasing the vehicle from requisition on account of the failure of the owner to take delivery of it on or before the specified date.

Explanation.—In this section, "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

12. (1) If any person-

Penalties.

(a) acts in contravention of the prohibition or restriction contained in any notification issued under section 3; or

(b) acts in contravention of the direction contained in a notice issued under sub-section (1) of section 5, or fails to render assistance, having been called upon to do so by notice issued under the said subsection; or

(c) obstructs the entry of the Inspecting Officer under section 7 or sub-section (2) of section 9; or

(d) obstructs the carrying out of the preventive or remedial measures under sub-section (1) of section 3 or sub-section (2) of section 9; or

(e) fails to place a vehicle in respect of which an order of requisition has been made under sub-section (1) of section 11, at the disposal of the officer or authority mentioned in such order,

he shall be punishable for the first offence with fine which may extend to fifty rupees, and for the second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) If a person is convicted under this section for the contravention of the prohibition or restriction contained in any notification issued under section 3, the plant or soil or manure in respect of which such contravention has been made may be forfeited to the Central Government.

13. No magistrate shall take cognizance of an offence under this Regulation except upon a complaint made by an Inspecting Officer.

14. All village officers, and such other officers, as may be specified in the rules made under this Regulation, of the village or villages adjoining an affected area shall forthwith report the existence within the village or villages of any plant disease, plant pest, plant parasite or noxious weed of the nature specified in the notification issued under section 3 in respect of the said area, to the competent authority, which shall, after making such inquiry as it may deem fit, make a further report to the Administrator.

15. No suit, prosecution or other legal proceedings shall lie against the Administrator, the competent authority or any other officer employed in

Cognizance of offences,

Obligation of village officers to report plant diseases, plant pests, etc.

Bar of suits of other legal proceedings.

connection with the affairs of the territory in respect of anything done or intended to be done in good faith under this Regulation, or for any damage caused by any action taken in good faith in carrying out the provisions of this Regulation.

Delegation of powers.

Power to

make rules,

16. The Administrator may, by notification in the Official Gazette, delegate to any officer all or any of the powers conferred on him by this Regulation, except the power to make rules under section 17, and any power so delegated shall be exercised by that officer subject to such restrictions and conditions as may be specified in the notification.

17. (1) The Administrator may, after previous publication, by notification in the Official Gazette, 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 manner in which any notice or order issued or made under this Regulation is to be served or the conditions under which such notice or order shall be deemed to have been served;

(b) the form in which an appeal under sub-section (1) or subsection (2) of section 10 shall be filed;

(c) the persons upon whom and the manner in which the order of requisition is to be served under sub-section (2) of section 11;

(d) the manner of determining compensation under sub-section(6) of section 11;

(e) the manner of service of the order of compensation and the time within which compensation is to be paid under sub-section (7) of section 11;

(f) the authority to which and the time within which an appeal may be preferred under sub-section (8) of section 11;

(g) the manner of service of the notice under sub-section (9) of section 11;

(h) the officers other than village officers who shall make report under section 14; and

(i) such other matters as are required to be, or may be, prescribed.

(3) Any rule made under this Regulation may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.

M. HIDAYATULLAH,

discharging the functions of the President.

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THE GAZETTE OF INDIA EXTRAORDINARY

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS PLANT DISEASES AND PESTS REGULATION, 1969

No. 5 of 1969

Promulgated by Shri M. Hidayatullah, discharging the functions of the President, in the Twentieth Year of the Republic of India.

A Regulation to provide for the prevention of the introduction into, or spread or re-appearance in, the Union territory of the Laccadive, Minicoy and Amindivi Islands, of plant diseases, plant pests, plant parasites and noxious weeds, and for matters connected therewith.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, Shri M. Hidayatullah, discharging the functions of 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 Plant Diseases and Pests Regulation, 1969.

Short title, 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 on such date as the Administrator may, by notification in the Laccadives Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,-

Definitions.

(a) "Administrator" means the Administrator of the Union territory of the Laccadive, Minicoy and Amindivi Islands;

(b) "affected area" means any area declared as such under section 3;

(c) "competent authority" means the officer appointed by the Administrator t_0 exercise the powers and perform the functions of the competent authority under this Regulation;

(d) "Inspecting Officer" means an Inspecting Officer appointed under section 4;

(e) "noxious weed" means any weed declared as such under section 3;

(f) "occupier" means the person having for the time being the right of occupation of any land, water or premises, or his authorised agent, or any person in actual occupation of the land, water or premises;

(g) "plant" includes all horticultural or agricultural crops, trees, bushes or herbs, and also includes the seeds, fruits, leaves, trunks, roots, barks or cutting or any other part, of a plant:

(h) "plant disease" means any disease caused to a plant by fungoid, bacteria, virus, parasite or any other organism, declared as such under section 3;

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(i) "plant parasite" means any plant or animal carrying on its existence, wholly or in part, on any agricultural crop, plant, tree, bush or herb and declared as such under section 3;

(j) "plant pest" means any insect or animal, whether vertebrate or invertebrate, declared as such under section 3 and includes any animal organism;

(k) "prescribed" means prescribed by rules made under this Regulation.

3. Where it appears to the Administrator that any disease, pest, parasite or weed in any area is injurious to plants or is likely to contaminate water or is obstructive to water-ways, and that it is necessary to take measures to eradicate such disease, pest, parasite or weed, or to prevent its introduction into, or spread or re-appearance in, any area in the Union territory of the Laccadive, Minicoy and Amindivi Islands (hereinafter referred to as the "territory"), the Administrator may, by notification in the Laccadives Gazette, declare that area to be an affected area for such period as may be specified therein and may, with reference to such area, also-

(a) declare that such disease, pest, parasite or weed is a plant disease, plant pest, plant parasite or noxious weed;

(b) prohibit or restrict the movement or removal of any plant, soil or manure from one place to another;

(c) prohibit the plantation or growing of any plant which is, or is likely to be, injurious to other plants; and

(d) direct that such other preventive or remedial measures, as the competent authority may consider necessary, to eradicate, destroy or prevent the introduction into, or spread or re-appearance in the territory of, any plant disease, plant pest, plant parasite or noxious weed, shall be carried out

Appointment of Inspecting Officers.

Power to issue directions.

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4. The Administrator may, by notification in the Laccadives Gazette appoint such persons as he thinks fit to be Inspecting Officers for the purposes of this Regulation and specify the areas in respect of which each Inspecting Officer shall exercise jurisdiction.

5. (1) On or after the issue of a notification under section 3, the competent authority may, by notice,-

(a) direct every occupier within the affected area to carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested) as may be specified in the notice, to eradicate, destroy or prevent the introduction into, or spread or re-appearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed;

(b) call upon any male person, not below the age of eighteen years and residing within the said area, to render such assistance as

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may be specified in the notice, in carrying out the measures referred to in clause (a):

Provided that-

(i) no person shall be called upon to render whole-time service for a period exceeding seven days at a time, and, where he has rendered such service, there shall be an interval of not less than ninety days, computed from the day when the previous whole-time service ended, before he is again called upon to render whole-time service; and

(ii) no person who is, by reason of old age, physical disability or any other reasonable cause, incapable of rendering assistance, or who resides in an island other than the island where his presence is required for the purpose of rendering assistance, shall be called upon to render such assistance; and

(c) specify the area within which and the period during which the measures referred to in clause (a) are to be carried out.

(2) It shall not be necessary to serve notices on every occupier under clause (a) of sub-section (1) or every other person whose assistance is required under clause (b) of the said sub-section, and a proclamation in this behalf made, by beat of drum or other customary mode of publication, in the concerned area, island or islet shall be deemed sufficient notice to all persons residing in that area, island or islet.

6. On the issue of a notice under sub-section (1) of section 5,-

occupier on (a) it shall be the duty of every occupier within the affected area the issue of to carry out such preventive or remedial measures as may be specifi- notice under section 5. ed in the notice; and

(b) it shall be the duty of every male person residing within the affected area to render assistance in the manner specified in the notice.

7. An Inspecting Officer may, after giving reasonable notice to the oc-power of cupier, enter in or upon any land, water or premises situated in the affect- Inspecting Officer to ed area for the purpose of ascertaining-

enter in or upon any or premises.

Duties of

(i) whether there is any plant disease, plant pest, plant parasite land, water or noxious weed in or on such land, water or premises; and

(ii) whether any preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have been carried out.

8. (1) If, on inspection of any land, water or premises, an Inspecting Power to carry out Officer finds that there is any plant disease, plant pest, plant parasite or measures. noxious weed in or on such land, water or premises and that the preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have not been carried out, he may, subject to any general or special orders of the competent authority and without prejudice to any action that may be taken against the defaulter under section 11, carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be, infested).

THE GAZETTE OF INDIA EXTRAORDINARY [PART II

(2) The Inspecting Officer may, by order, direct an occupier to pay such sum as may be specified in the order, towards the cost of any preventive or remedial measures carried out under sub-section (1) and the occupier shall pay the said sum on demand, and if he fails or omits to pay the said sum within such time as may be specified by the Inspecting Officer, the said sum shall be recoverable from him as if it were an arrear of land revenue.

(3) The order referred to in sub-section (2) shall be served on the occupier in such manner as may be prescribed.

Power to carry out measures in emergent sit uations.

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9. (1) Notwithstanding anything contained in section 3 and sections 5 to 8, if the Administrator is satisfied that plants in any affected area are in danger of being damaged or destroyed by any plant disease, plant pest, plant parasite or noxious weed prevalent or existing in that area and that it is necessary to take immediate preventive or remedial measures, he may, by notification in the Laccadives Gazette,—

(a) declare that it shall be competent for any Inspecting Officer to carry out such preventive or remedial measures in the affected area or any part thereof or to take such other steps (including the removal or destruction of plants which are, or are likely to be, infested) as he may deem fit;

(b) direct that every occupier in respect of whose land, water or premises such preventive or remedial measures or other steps have been taken shall be liable to pay the cost thereof at such rate and within such time as the Inspecting Officer may, by order from time to time determine, having regard to the following, namely:—

(i) the reasonable charges incurred for labour, material or use of implements; and

(*ii*) any other reasonable charges incurred for the purposes aforesaid.

(2) Subject to any general or special order of the Administrator, any Inspecting Officer may, upon the issue of a notification under sub-section (1), enter in or upon any land, water or premises within the affected area and carry out such preventive or remedial measures or take such other steps referred to in clause (a) of sub-section (1), as he may deem fit.

(3) The Inspecting Officer shall assess the amount payable by an occupier in respect of the preventive or remedial measures carried out or other steps taken under sub-section (2) and he may, by an order in writing, direct the occupier to pay the sum so assessed.

(4) If the occupier fails to pay the amount so assessed within the time fixed under clause (b) of sub-section (1), or within such further time as may be granted by the Inspecting Officer, the amount shall be recoverable from him as if it were an arrear of land revenue.

(5) Any order referred to in sub-section (1) or sub-section (3) shall be served on the occupier in such manner as may be prescribed.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

10. (1) Any occupier aggrieved by an order made under sub-section Appeal. (2) of section 8 may, within sixty days from the date of service on him of the order, prefer an appeal to the competent authority, on the ground that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(2) Any occupier aggrieved by an order made by the Inspecting Officer under sub-section (1) or sub-section (3) of section 9 may, within sixty days from the date of service on him of the order, prefer an appeal to the competent authority on the ground—

(a) that the assessment or determination of the amount payable has not been made in accordance with the rates fixed by the Inspecting Officer; or

(b) that the amount assessed includes charges other than the charges mentioned in sub-clauses (i) and (ii) of clause (b) of sub-section (1) of section 9; or

(c) that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(3) On receipt of an appeal under sub-section (1) or sub-section (2), the competent authority shall, after making such inquiry as it may deem fit and after giving the occupier a reasonable opportunity of being heard, pass such order thereon as it may deem fit.

(4) Every order passed under sub-section (3) shall be final.

11. (1) If any person—

Penalties.

(a) acts in contravention of the prohibition or restriction contained in any notification issued under section 3; or

(b) acts in contravention of the direction contained in a notice issued under sub-section (1) of section 5, or fails to render assistance, having been called upon to do so by notice issued under the said subsection; or

(c) obstructs the entry of the Inspecting Officer under section 7 or sub-section (2) of section 9; or

(d) obstructs the carrying out of the preventive or remedial measures under sub-section (1) of section 8 or sub-section (2) of section 9,

he shall be punishable for the first offence with fine which may extend to fifty rupees, and for the second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) If a person is convicted under this section for the contravention of the prohibition or restriction contained in any notification issued under section 3, the plant or soil or manure in respect of which such contravention has been made may be forfeited to the Central Government.

n alan san tarih kara sa

THE GAZETTE OF INDIA EXTRAORDINARY [PART II

Cognizance of offences.

280

12. No magistrate shall take cognizance of an offence under this Regulation except upon a complaint made by an Inspecting Officer.

Obligation of amins, karanis, etc. to report plant diseases, plant pests, etc. 13. All amins, karanis and such other officers as may be specified in the rules made under this Regulation, of the islands or islets adjoining an affected area shall forthwith report the existence within the islands or islets of any plant disease, plant pest, plant parasite or noxious weed of the nature specified in the notification issued under section 3 in respect of the said area, to the competent authority, which shall, after making such inquiry as it may deem fit, make a further report to the Administrator.

Bar of suits or other legal proceedings. 14. No suit, prosecution or other legal proceedings shall lie against the Administrator, the competent authority or any other officer employed in connection with the affairs of the territory in respect of anything done or intended to be done in good faith under this Regulation, or for any damage caused by any action taken in good faith in carrying out the provisions of this Regulation.

Delegation of powers.

15. The Administrator may, by notification in the Laccadives Gazetté, delegate to any officer all or any of the powers conferred on him by this Regulation, except the power to make rules under section 16, and any power so delegated shall be exercised by that officer subject to such restrictions and conditions as may be specified in the notification.

Power to make rules.

16. (1) The Administrator may, after previous publication, by notification in the Laccadives Gazette, 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 manner in which any notice or order issued or made under this Regulation is to be served or the conditions under which such notice or order shall be deemed to have been served;

(b) the form in which an appeal under sub-section (1) or subsection (2) of section 10 shall be filed;

(c) the officers other than amins or karanis who shall make report under section 13; and

(d) such other matters as are required to be, or may be, prescribed.

(3) Any rule made under this Regulation may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.

Sec. 1] THE GAZETTE OF INDIA EXTRAORDINARY

281

1912.

17. In section 8 of the Laccadive Islands and Minicoy Regulation, 1912, Amendment in sub-section (1),— of section 8 of Regulation r of

(i) clause (b) shall be omitted;

(ii) the proviso shall be omitted.

M. HIDAYATULLAH,

discharging the functions of the President.

N. D. P. NAMBOODIRIPAD,

Joint Secy. to the Govt. of India.

ERRATA

In the Gazette of India, Extraordinary, Part II, Section 1, dated March 31, 1967,—

1. In the Appropriation Act, 1967 (1 of 1967), at page 67, against vote No. 141, in column 2, for "of" read "on";

2. In the Appropriation (Vote on Account) Act, 1967 (2 of 1967), at page 70, against vote No. 50, in column 3, under "Total", for "1, 9,82,000" read"1,39,82,000";

3. In the Rajasthan Appropriation Act, 1967 (7 of 1967), at page 87, in line 1 of the Long title, for "authorised" read "authorise"; and

4. In the Rajasthan Appropriation (Vote on Account) Act, 1967 (8 of 1967), at page 94, against vote No. XXXV, in column 3, under "Total", for "22,90,000" read "22,92,000".

In the Passports Act. 1967 (15 of 1967) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated June 26, 1967. at page 131, in line 3 of the Long title, for "persons" read "persons and".

In the Companies Tribunal (Abolition) Act, 1967 (17 of 1967) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated June 29, 1967, at page 150, in the last line, for "agents" read "agent".

In the Appropriation (No. 2) Act, 1967 (19 of 1967) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated July 29, 1967, at page 157, in the Short title, for "AT, 1967" read "ACT, 1967".

In the Finance (No. 2) Act, 1967 (20 of 1967) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated August 5, 1967,--

Page 197---

In the marginal heading to section 7A, for "Power of Commissioner" read "Power of Commissioner respecting specified areas, cases or persons.";

532 G of I-4.

Page 222-

In "Paragraph C", in item (4), column 1, for "excess" read "exceeds".

Page 223-

In line 3, for "surcharge" read "surcharges".

In the Appropriation (Railways) No. 3 Act, 1967 (23 of 1967) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated August 17, 1967,---

Page 265---

(i) In line 2 of the Long title, for "amount" read "amounts"; and

(ii) In the marginal heading against section 1, read "Short title.". Page 266—

In the Gazette of India, Extraordinary, Part II, Section 1, dated December 26, 1967,--

- 1. In the Appropriation (No. 3) Act, 1967 (32 of 1967), at page 353, in line 2 of Long title, for "Fund" read "Fund of"; and
- 2. In the Appropriation (No. 4) Act, 1967 (33 of 1967), at page 358, against vote No. 122, in column 2, for "apitalC" read "Capital".

In the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated December 30, 1967, at page 422, in the marginal heading to section 8, for "places" read "places used".

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS. MINTO ROAD NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1969

In the Schedule, in column 3, under "Total", for "4,13,68,943" read "4,13,68,948".

REGISTERED No. D. 221

रंजिस्ट्री नं० डी० 221



ग्रसाधारण **EXTRAORDINARY** भाग 2---खंड 1 PART II-Section 1 प्राधिकार से प्राकाशित PUBLISHED BY AUTHORITY

∵सं° 10] नई दिल्ली, सोमवार, मार्च 30, 1970/चैत्र 9, 1892 NEW DELHI, MONDAY, MARCH 30, 1970/CHAITRA 9, 1892 No. 10]

्डस भाग में भिन्न पृष्ठ 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 30th March, 1970/Chaitra 9, 1892 (Saka)

THE NORTH-EAST FRONTIER AGENCY PREVENTIVE DETENTION REGULATION, 1970

NO. I OF 1970.

Promulgated by the President in the Twenty-first Year of the Republic of India.

A Regulation to provide for preventive detention in certain cases 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 North-East Frontier Agency short title, Preventive Detention Regulation, 1970.

extent and commencement.

(2) It extends to the whole of the North-East Frontier Agency.

(3) It shall come into force at once.

2. In this Regulation, unless the context otherwise requires,---

Definitions.

(i) "Additional Deputy Commissioner" means an Additional Deputy Commissioner of a District of the North-East Frontier Agency;

(ii) "Deputy Commissioner" means the Deputy Commissioner of a District of the North-East Frontier Agency;

(iii) "detention order" means an order made under section 3;

(159)

(iv) "Governor" means the Governor of Assam; and

(v) "North-East Frontier Agency" means the North-East Frontier Agency referred to in the North-East Frontier Areas (Administration), Regulation, 1954

Power to make orders detaining certain persons.

3. (1) The Governor may-

(a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to—

(i) the defence of India, the relations of India with foreign powers, or the security of India, or

(ii) the security of the State or the maintenance of public order, or

(*iii*) the maintenance of supplies and services essential to the community, or

(b) if satisfied with respect to any person who is a foreigner within the meaning of the Foreigners Act, 1946, that with a view to ³¹ of 1946 regulating his continued presence in India or with a view to making arrangements for his expulsion from India,

it is necessary so to do, make an order directing that such person be detained.

(2) Any of the following officers, namely:---

(a) Deputy Commissioners, or

(b) Additional Deputy Commissioners,

may, if satisfied as provided in sub-clauses (ii) and (iii) of clause (a) of sub-section (1), exercise the power conferred by the said sub-section.

(3) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the Governor together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof unless in the meantime it has been approved by the Governor.

Detention orders to be made in respect of persons in North-East Frontier Agency.

4. (1) No detention order shall be made under this Regulation in respect of a person outside the territorial limits of the North-East Frontier Agency.

(2) Subject to sub-section (1) no detention order made by an officer mentioned in sub-section (2) of section 3 shall be invalid or inoperative merely by reason—

(a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the officer making the order, or

(b) that the place of detention of such person is outside the said limits.

Execution of detention en orders. 18

5. A detention order may be executed in the manner provided for the n execution of warrants of arrest under the Code of Criminal Procedure, 5 of 1898. 1898.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

6. Every person in respect of whom a detention order has been made power to shall be liable----

regulate place and conditions of detention.

(a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the Governor may, by general or special order, specify; and

(b) to be removed from one place of detention to another place. of detention, whether within the North-East Frontier Agency or in any other area within the State of Assam or in another State, by order of the Governor:

Provided that no order shall be made by the Governor under clause (b) for the removal of a person from the North-East Frontier Agency to such other State except with the consent of the Government of that State

7. (1) If the Governor or an officer mentioned in sub-section (2) of Powers in section 3, as the case may be, has reason to believe that a person in respect of whom a detention order has been made has absconded or is con-persons. cealing himself so that the order cannot be executed, the Governor or officer may-

relation

5 of 1898.

(a) make a report in writing of the fact to a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898, shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate;

(b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, or any other law for the time being in force every offence punishable under clause (b) of sub-section (1) shall be cognizable.

8. (1) When a person is detained in pursuance of a detention order, Grounds of the authority making the order shall, as soon as may be, but not later than order of detention to five days from the date of detention, communicate to him the grounds on be disclosed which the order has been made, and shall afford him the earliest oppor- to persons affected by tunity of making a representation against the order to the Governor.

the order.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

9. (1) The Governor shall, whenever necessary, constitute one or more Constitutions Advisory Boards for the purposes of this Regulation.

of Advisory Boards.

(2) Every such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of a High Court, and such persons shall be appointed by the Governor.

1.Subs. by the North-Eastern Areas (Reorganisation) (Arunachal Pradesh) Adaptation of Laws Order, 1972. S.3 & Sch. (W.e.f. 21.1.1972).

« of 1898.

98%

THE GAZETTE OF INDIA EXTRAORDINARY (

(PART II

(3) The Governor shall appoint one of the members of the Advisory Board who is or has been a Judge of a High Court to be its Chairman.

10. In every case where a detention order has been made under this Regulation, the Governor shall, within thirty days from the date of detention under the order, place before the Advisory Board the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in case where the order has been made by an officer, also the report by such officer under sub-section (3) of section 3.

Procedure of Advisory Boards.

Reference to

Advisory

Boards.

11. (1) The Advisory Board shall after considering the materials placed before it and, after calling for such further information as it may deem necessary from the Governor or from any person called for the purpose through the Governor or from the person concerned, and if in any particular case it considers it essential so to do or if the person concerned desires to be heard, after hearing him in person, submit its report to the Governor within ten weeks from the date of detention.

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned.

(3) When there is a difference of opinion among the members of the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

Action upon the report of Advisory Board and the maximum period of detention of a such period, not being beyond a period of twelve months from the date of detention, as he thinks fit.

> (2) In any case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the Governor shall revoke the detention order and cause the person to be released forthwith.

Revocation of detention order.

¢.,

13. (1) Without prejudice to the provisions of section 21 of the General Clauses Act, 1897, a detention order may at any time be revoked 10 of 1897. or modified, notwithstanding that the order has been made by an officer mentioned in sub-section (2) of section 3, by the Governor.

(2) The revocation or expiry of a detention order shall not bar the making of a fresh detention order under section 3 against the same person in any case where fresh facts have arisen after the date of revocation or expiry on which the Governor or an officer, as the case may be, is satisfied that such an order should be made.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

14. (1) The Governor may at any time direct that any person detained Temporary release of in pursuance of a detention order may be released for any specified period persons either without conditions or upon such conditions specified in the direc- detained. tion as that person accepts, and may at any time cancel his release.

(2) In directing the release of any person under sub-section (1), the Governor may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to the penalty thereof.

15. No suit, prosecution or other legal proceeding shall lie against any Protection person for anything in good faith done or intended to be done in pursuance of action taken under of this Regulation.

the Regulation.

16. The provisions of sections 5 and 7 shall have effect as if the Code Certain proof Criminal Procedure, 1898, applies to the North-East Frontier Agency.

visions of the Regulation to have effect as if Act 5 of 1898 is in force,

V. V. GIRI, President.

N. D. P. NAMBOODIRIPAD,

Joint Secy. to the Govt. of India.

FRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1970

REGISTERED No. D. 221

रजिस्ट्री सं० डी० 221



ग्रसाधारए

EXTRAORDINARY

भाग II-खण्ड ।

PART II-Section I

प्राधिकार स प्रकाशित

PUBLISHED BY AUTHORITY

सं• 3-2] No. 32]

4

नई दिल्ली, वृहस्पतिवार, अगस्त 6, 1970 श्रावण 15, 1892 NEW DELHI, THURSDAY, AUGUST 6, 1970/SRAVANA 15, 1892

इस भाग में भिन्न पृष्ठ 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 files as a separate complication

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 6th August 1970 Sravana 15, 1892 (Saka) THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (LAWS) No. 2 REGULATION, 1970

No. 2 OF 1970

Promulgated by the President in the Twenty-first Year of the Republic of India.

A Regulation to extend certain laws to the Union territory of the Laccadive, Minicoy 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 title, extent and Amindivi Islands (Laws) No. 2 Regulation, 1970. commence-Lehshadie

ment. (2) It extends to the whole of the Union territory of the Laccadit 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,-

(353)

(a) "Act" means an Act specified in the Schedule;
(b) "Administrator" means the Administrator of the Islands of Lishedweek appointed by the President under article 239 of the Constitution;

15.10.1970. vide Molifu No. 5.0. 3398, Datad 15.10.1930,

Gaz. of Sudia, Exty, De. IT, Dec. 3(10), p. 165%

Definitions.

THE GAZETTE OF INDIA EXTRAORDINARY

[PART II

(c) "Islands" means the Union territory of the Laccadive, Minicov and Amindivi Islands.

3. (1) The Acts, as they are generally in force in the territories to

(2) Notwithstanding anything contained in sub-section (1) or in the

CHAPTER II

EXTENSION OF LAWS AND REPEAL

Extension of certain laws of the Islands and their commencement therein. 354

Repeal and saving. the Islands on such date as the Administrator may, by notification in the Official Gazette of the Islands, appoint.4. (1) Any law in force in the Islands or any area thereof correspond-

relevant provision, if any, of each such Act with regard to the commence-

ment thereof, the provisions of each of the Acts shall come into force in

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) Nothing in sub-section (1) shall affect—

which they extend, shall extend to the Islands.

(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 under any such law shall be deemed to have been done or taken under the corresponding provision of the Act extended to the Islant s 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 and regulations made or issued by the rules, orders, Central Government under the provisions of any Act generally for the etc., under certain laws. territories to which such Act extends shall, as from the commencement of the provisions of such Act in the Islands, extend to, and come into force in, the Islands.

Rules of construction. 6. (1) In any Act or in any of the rules, notifications, orders and regulations made or issued thereunder and extended to the 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, shll be construed as a

THE GAZETTE OF INDIA EXTRAORDINARY SEC. 1]

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.

(2) For the purpose of facilitating the application in relation to the Islands of any Act or any rule, notification, order or regulation 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. In the Code of Criminal Procedure, 1898 as in force in the Amendment Islands.-

(a) after section 408, the following sections shall be inserted, namely: -

'408A. (1) The appeal referred to in section 408 may be Administrator to presented to the Administrator who shall forward the same to receive the proper Appellate Court: petition of appeal and

Provided that, before forwarding such appeal, the Adminis-exercise trator shall record thereon the date of its presentation, and if he section 426. is satisfied that the circumstances of the case so require, he may, in respect of such appeal, exercise all or any of the powers of the proper Appellate Court under sub-section (1) of section 426 and pass suitable orders.

(2) Every order passed by the Administrator under the proviso to sub-section (1) shall have effect until otherwise directed by the proper Appellate Court.

Explanation.—For the purposes of this section and section 420, "Administrator" means the Administrator of the Union territory of the Laccadive, Minicoy and Amindivi Islands appointer' by the President under article 239 of the Constitution.

408B. For the purpose of the computation of the period of Appeal limitation an appeal presented to the Administrator under section Adminis-408A or under section 420, as the case may be, shall be deemed deemed to to be an appeal presented to the proper Appellate Court.';

(b) (i) section 420 shall be re-numbered as sub-section (1) thereof, the proper and in sub-section (1) as so re-numbered, for the words "proper Appellate Court", the word "Administrator" shall be substituted;

(ii) after sub-section (1) as so re-numbered, the following subsection shall be inserted, namely: ---

"(2) On receipt of such petition and copies, the Administrator shall record thereon the date of such receipt and forward the same to the proper Appellate Court.".

presented to trator to be be an appeal presented to Appellate Court.

of Act 5 of 1898.

THE GAZETTE OF INDIA EXTRAORDINARY

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THE SCHEDULE [See section $2(a)$]		
Year	No.	Short title
I	2	3
1880	12	The Kazis Act, 1880.
1895	15	The Government Grants Act, 1895.
)a to	9	The Indian Electricity Act, 1910.
1933	2	The Children (Pledging of Labour) Act, 1933.
1934	19	The Indian Dock Labourers Act, 1934.
1939	30	The Commercial Documents Evidence Act, 1939.
į		

V. V. GIRI,

President.

N. D. P. NAMBOODIRIPAD, Joint Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS. DELHI, 1970

रजिस्ट्री नं० डी० 221

REGISTERED No. D. 229



ग्रसाधारणे

EXTRAORDINARY

भाग II--- खंड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 44] नई बिल्ली, झनिवार, घ्रक्तूबर 3, 1970/प्रश्चिन 11, 1892 No. 44] NEW DELHI, SATURDAY, OCTORER 3, 1970/ASVINA 11, 1892

इस भाग में भिन्न पूष्ठ संख्या दी जाती हैं जिसमें कि यह ग्रालग संकलन के रूप में सखा जा सकें। 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 3rd October, 1970 Asvina 11, 1892 (Saka)

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (DEBT CONCILIATION AND GRANT OF LOANS) AMENDMENT REGULATION, 1970

No. 3 of 1970

Promulgated by the President in the Twenty-first Year of the Republic of India.

A Regulation further to amend the Laccadive, Minicoy and Amindivi Islands (Debt Conciliation and Grant of Loans) Regulation, 1964.

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 Laccadive, Minicoy and Amindivi Short title. Islands (Debt Conciliation and Grant of Loans) Amendment Regulation, 1970.

8 of 1964.

2. In section 2 of the Laccadive, Minicoy and Amindivi Islands (Debt Conciliation and Grant of Loans) Regulation, 1964 (hereinafter referred to as the principal Regulation), in clause (b), for the words "before the commencement of this Regulation", the words, brackets and figures "before the date on which an application is made under sub-section (1) of section 4" shall be substituted and shall be deemed always to have been substituted.

(495)

Amendment of section 4.

3. In sub-section (1) of section 4 of the principal Regulation, after the word "may", the words, figures and letters ", on or before the 31st day of March, 1971," shall be inserted and shall be deemed always to have been inserted.

Amendment and In sub-section (2) of section 9 of the principal Regulation, for the

words "the commencement of this Regulation", the words brackets and figures "the year in which the debtor makes the application under subsection (1) of section 4" shall be substituted.

Substitution 52 For section 11 of the principal Regulation, the following section section for shall be substituted, namely:

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Revision.

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"11. The Administrator may,----

(i) where an appeal has been filed under section 10, within three months from the date of the order passed on such appeal, or

(ii) where no such appeal has been filed, within three months from the date of the order of the tribunal under section 8 or section 9, $\frac{1}{2}$

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."

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA FRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI. 1970

4

V. V. GIRI, President.

N. D. P. NAMBOODIRIPAD, Joint Secy. to the Govt. of India.

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प्रसाध ाररण

EXTRAORDINARY

भाग II---खण्ड 1

PART II-Section 1

त्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

स [*] ° 45]	नई दिल्ली, शुकवार, ग्रकतूबर 30, 1970/कार्तिक 8, 1892
No. 45]	NEW DELHI, FRIDAY, OCTOBER 30, 1970/KARTIKA 8, 1892

इस भाग में भिन्न पष्ठ 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 30th October, 1970 Kartika 8, 1892 (Saka)

NORTH-EAST FRONTIER AGENCY PANCHAYAT THE RAJ (AMENDMENT) REGULATION, 1970

NO. 4 OF 1970

Promulgated by the President in the Twenty-first Year of the Republic of India.

А Regulation to amend the North-East Frontier Agency Panchavat Raj Regulation, 1967.

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 Panchayat Raj (Amendment) Regulation, 1970-

Short title and commencement.

of section 2.

SAT DI CERTINA

(2) It shall come into force at once.

2. In section 2 of the North-East Frontier Agency Panchayat Raj Amendment Regulation, 1967, for clause (xi), the following clause shal] be substituted, namely:--

'(xi) "Sub-divisional Officer" means the Additional Deputy Commissioner or the Assistant Commissioner in charge of a sub-

(4.97)

3 01 1967.

THE GAZETTE OF INDIA EXTRAORDINARY

[PART II SEC. 1]

division and includes an Extra Assistant Commissioner or such other officer as may be authorised by the Governor to discharge the functions of a Sub-divisional Officer under this Regulation in respect of an Anchal Samiti.'.

V V. GIRI,

President.

N. D. P. NAMBOODIRIPAD,

Joint Secy. to the Govt. of India.

ERRATA

In the Gazette of India, Extraordinary, Part II, Section 1, dated August 10, 1970,---

Page 358-In line 1, for "of" read "or".

Page 360—Omit 'Page 314—In line 29, for "howsoever" read "however".

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1970.

रजिस्ट्री संब डीब 221

REGISTERED NO. D. 221



ग्रसाधारण

EXTRAORDINARY

भाग II---खण्ड 1 PART II-Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 29] नई दिल्लो, सोमवार, जुलाई 12, 1971/ग्राषाढ़ 21, 1893 No. 29] NEW DELHI, MONDAY, JULY 12, 1971/ASADHA 21, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिस से 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 AND JUSTICE (Legislative Department)

New Delhi, the 12th July 1971/Asadha 21, 1893 (Saka)

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS HOME GUARDS REGULATION, 1971

No. 1 of 1971

Promulgated by the President in the Twenty-second Year of the Republic of India.

A Regulation to provide for the constitution of a volunteer organisation for service in emergencies and for certain other purposes in the Union territory of the Laccadive, Minicoy and Amindivi 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 Laccadive, Minicoy and Short title, Amindivi Islands Home Guards Regulation, 1971.

(2) It extends to the whole of the Union territory of the Laccadive, ment. Minicoy_and_Amindivi_Islands.7

(3) It 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, ____ Definitions.
 (a) "Administrator" means the Administrator of the Union-terrif fehrled week JJ tory of the Laccadive, Minicoy and Amindivi-Islands;

, Subs. by the Laccadive, Minicoy and Amindivi Islands (Alteration of name) Adaptation of Laws Order, 1974. (w.e.f. 1-11-1973).

[PART II-

ap Jazette

(b) "Islands" means the Union territory of the Laccadive, Minicoy and Amindivi Islands;

(c) "Official Gazette" means the Laccadives-Gazette

(d) "prescribed" means prescribed by rules made under this Regulation.

3. (1) The Administrator shall constitute for the Islands a voluntary 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 Administrator shall 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.7

Constitution

of Home Guards and

appointment

of Commandant.

> 4. (1) The Commandant may appoint as members of the Home Guards such number of persons, who are fit and willing to serve, as may from time to time be determined by the Administrator and may appoint any such member to any office of command in the Home Guards.

> (2) The Commandant may also appoint any such member to any post under his immediate control.

> (3) Every member of the Home Guards shall, on appointment, make a declaration in the form specified in the First Schedule and receive a certificate of appointment in the form specified in the Second Schedule under the signature and seal of such officer 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.

Period of service and] discharge.

5. (1) Subject to any rules made in this behalf, every member of the Home Guards shall be required to serve for a period of three years (including the period spent in training) in a regular capacity and shall thereafter be liable to serve in the reserve force of Home Guards constituted under sub-section (2) for a further period of three years:

Provided that it shall be lawful for the Administrator to require any member of the Home Guards to serve in a regular capacity for a period exceeding three years, whenever necessary.

(2) The Administrator may constitute a reserve force of Home Guards consisting of such persons, who have served in a regular capacity as members of the Home Guards, as may be appointed to it by the Administrator:

Provided that a person shall not be appointed to the reserve force of Home Guards if h_e is discharged under sub-section (4) or removed under section 13.

(3) The provisions of this Regulation shall apply, as far as may be, to a person appointed as a member of the Home Guards.

Sec. 1] THE GAZETTE OF INDIA EXTRAORDINARY

(4) Notwithstanding anything contained in sub-section (1), a member of the Home Guards or a person appointed to the reserve force of Home Guards may be discharged at any time by such authority, on such grounds, and subject to such conditions, as may be prescribed:

Provided that it shall not be necessary for the said authority to disclose the grounds for such discharge, if in its opinion, such disclosure will not be in the public interest.

(5) An order of discharge under sub-section (4) shall be final.

6. (1) The Commandant may, by order, at any time, call out a member Calling out of Home of Home Guards for training within or outside the Islands.

(2) The District Magistrate or the Commandant may, by order, at any time, call out a member of the Home Guards for exercising the powers and discharging the duties, within 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 order Powers, under section 6, shall have the same powers, privileges and protection as an officer of police appointed under any law for the time being in force in the Islands.

(2) No prosecution shall be instituted against a 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 under Control by section 6, in aid of the police force, shall be under the control of the police force. 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 called Reinstateout by an order under section 6 is employed to grant him such leave as employ of may be necessary and to reinstate him in his employment on the termination of the period during which he has been so called out in an occupation and under conditions not less favourable to him than those which section 6. 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.

żor

[PART II---

(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 by the employer 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 ¹ person called <u>f</u> out under section 6. ¹

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 reinstatement under the provisions of this Regulation, to have in respect of such fund or scheme such rights as may be prescribed.

Pay and allowances.

11. (1) Every member of the Home Guards shall, during the 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.

Surrender of certificate, arms, etc.

12. (1) Every person who for any reason ceases to be a member of the Home Guards shall forthwith deliver to the Commandant or to such person and at such place as the Commandant may direct his certificate of appointment, arms, accoutrements, clothing and other articles supplied to him as a member of the Home Guards.

(2) The Commandant or such other person receiving under sub-section (1) any certificate of appointment, arms, accoutrements, clothing and other articles, shall give a receipt for the same to the person delivering such certificate, arms, accoutrements, clothing and other articles.

SEC. 1]

(3) Any magistrate, and for special reasons which shall be recorded in writing at the time, any police officer not below the rank of a Deputy 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.

13. (1) The Commandant may, by order in writing, suspend or remove Suspension or removal. from the Home Guards any member of the Home Guards under his control (including a member appointed to a post under his immediate 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 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 of removal 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 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.

14. (1) If any member of the Home Guards, on being called out by Penalties. 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

5 of 1898.

conviction, be punishable with imprisonment for a term 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 subsection (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.

Appeals and revision.

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15. (1) Any member of the Home Guards aggrieved by an order of the Commandant may appeal against such order to the Administrator within thirty days of the date on which he was served with the notice of such order. The Administrator may pass such order as he thinks fit confirming, modifying or annulling the order appealed against.

(2) The Administrator may, of his own motion or on application from an aggrieved person, call for and examine the record of any order passed by the Commandant for the purpose of satisfying himself as to the correctness, legality or propriety of such order 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 Administrator 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.

Power to make rules.

16. (1) The Administrator may 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 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, accoutrements, 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 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.

PART II-

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

(3) All rules made under this Regulation shall be published in the Official Gazette.

17. Members of the Home Guards acting under this Regulation shall Members of Home be deemed to be public servants within the meaning of section 21 of the Guards to be public Indian Penal Code.

servants.

18. Notwithstanding anything to the contrary contained in any other Removal of law for the time being in force, a member of the Home Guards shall not disqualificabe disqualified for being chosen as and for being a member of any local authority merely by reason of the fact that he is a member of the Home Guards.

THE FIRST SCHEDULE

[See section 4(3)]

DECLARATION FORM

Ť – son of ––– ----- resident of do hereby solemnly declare and affirm that I will truly serve as a member of the Home Guards without favour or affection, malice or illwill, communal or political bias, for a period of three years from the date of appointment including the period spent over training or for such extended period as may be specified by the Administrator and to serve in the reserve force of Home Guards for a further period of three years thereafter. I further undertake to serve as a member of the Home Guards at any time, if I am called out for training or duty during such period. I will, to the best of my skill and knowledge, discharge the duties of a member of the Home Guards.

Place.... Date.....

45 of 1860

Signature.

THE SECOND SCHEDULE

[See section 4(3)]

FORM OF CERTIFICATE OF APPOINTMENT

Shri ----- son of ------ resident of has been appointed a member of the Home Guards under section 4(3) of the Laccadive, Minicoy and Amindivi Islands Home Guards Regulation, 1971.

When lawfully on duty, he shall have the same powers, privileges and protection as an officer of the police appointed under any law for the time being in force in the Islands.

Place.....

Date.....

Date of appointment-Signature and seal of the prescribed authority.

> V. V. GIRI. President.

N. D. P. NAMBOODIRIPAD, Jt. Secy. to the Govt. of India.

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रजिस्ट्री सं० डी० 221

REGISTERED No. D. 221



EXTRAÓRDINARY

भाग 🎞 –--खण्ड 1

PART II—Section 1 प्राधिकार से प्रकाणित

PUBLISHED BY AUTHORITY

सं॰ 58] नई दिल्ली, बुधवार, दिसम्बर 8, 1971/म्रग्रहायए 17, 1893 No. 58] े\EW DELHI, WEDNESDAY, DECEMBER 8, 1971/AGRAHAYANA 17, 1893

इस भाग में भिन्न पृष्ठ 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 AND JUSTICE

(Legislative Department)

New Delhi, the 8th December, 1971/Agrahayana 17, 1893 (Saka)

TIME DADRA AND NAGAR HAVELI LAND REVENUE ADMINISTRATION REGULATION, 1971

No. 2 of 1971

Promplated by the President in the Twenty-second Year of the Republic of India.

A Regulation to consolidate and amend the law relating to land and land revenue in the Union territory of Dadra and Nagar Haveli and to provide 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 Dadra and Nagar Haveli Short the extent and Revenue Administration Regulation, 1971.

(2) It extends to the whole of the Union territory of Dadra and Nagar ^{ment}. Haveli

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(495)

1-5-1974: Nide Molifin. No. S. O. 255 (E), dt. 16.4. 1974.

THE GAZETTE OF INDIA EXTRAORDINARY

Definitions

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2. In this Regulation, unless the context otherwise requires,-

(1) "Administrator" means the administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;

(2) "agricultural year" means the year commencing on such date as the Administrator may, by notification in the Official Gazette, appoint;

(3) "boundary mark" means any erection, whether of earth, stone or other material, and includes any hedge, unploughed ridge, or strip of ground or other object whether natural or artificial, set up, employed, or specified by a survey officer or revenue officer having authority in that behalf, in order to designate the boundary of any division of land;

(4) "building" means any structure not being a farm building;

(5) "building site" means a portion of land held for building purposes, whether any building be actually erected thereupon or not. and includes the open ground or courtyard enclosed by, or appurtenant to, any building erected thereupon;

(6) "certified copy" or "certified extract" means a copy or extract, as the case may be, certified in the manner prescribed by section 76 of the Indian Evidence Act, 1872; t of 1872.

(7) "chavdi" means the place ordinarily used by village officer for the transaction of village business;

(8) "estate" means any interest in lands and the aggregate of such interests vested in a person or aggregate of persons capable of holding the same;

(9) "farm building" means a structure erected on land assessed or held for the purpose of agriculture for all or any of the following purposes connected with such land or any other land belonging to or cultivated by the holder thereof, namely :---

(a) for the storage of agricultural implements, manure or fodder,

(b) for the storage of agricultural produce,

(c) for sheltering cattle,

(d) for the residence of members of the family, servants or tenants of the holder, or

(e) for any other purpose which is an integral part of his cultivating arrangement;

(10) "gaothan" or "village site" means the lands included within the site of a village at the commencement of this Regulation in accordance with any survey, custom or usage or which may be declared as included within the site of a village in accordance with the provisions of this Regulation;

(11) "Government" means the Central Government;

(12) "Government lessee" means a person holding land from Government under a lease as provided by section 36 and includes a temporary lessee referred to in section 5 of the Dadra and Nagar Haveli Land Reforms Regulation, 1971; (13) "holding" means a portion of land held by a holder;

(14) "to hold land" or "to be a landholder or holder of land" means to be lawfully in possession of land whether such possession is actual or not;

(15) "improvement", in relation to a holding, means any work which adds materially to the value of the holding, which is suitable thereto and consistent with the purpose for which it is held and which, if not executed on the holding is either executed directly for its benefit or is, after execution, made directly beneficial to it, and subject to the foregoing provisions, includes—

(a) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

(b) the construction of works for the drainage of land or for the protection of land from floods, or from erosion or other damage from water;

(c) the planting of trees and the reclaiming, clearing, enclosing, levelling or terracing of land;

(d) the erection of buildings on or in the vicinity of the holding, elsewhere than in the gaothan required for the convenient or profitable use or occupation of the holding; and

(e) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto,

but does not include---

(i) temporary wells and such water channels, embankments, levellings, 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

(ii) any work which substantially diminishes the value of any land wherever situated, in the occupation of any other person, whether as occupant or tenant.

Explanation.—A work which benefits several holdings may be deemed to be an improvement with respect to each of such holdings;

(16) "joint holders" or "joint occupants" means holders or occupants who hold land as co-sharers, whether as co-sharers in a family undivided according to Hindu law or otherwise, and whose shares are not divided by metes and bounds and where land is held by joint holders or joint occupants, "holder" or "occupant", as the case may be, means all the joint holders or joint occupants;

(17) "land" includes benefits to arise out of land and things attached to the earth, or permanently fastened to anything attached to the earth;

(18) "landlord" means a lessor;

(19) "land records" means records maintained under the provisions of, or for the purposes of, this Regulation and includes a copy of maps and plans of a final town planning scheme or improvement scheme which has come into force in any area under any law in forces

(PART II----

in the Union territory and forwarded to any revenue or survey officer under such law or otherwise;

(20) "land revenue" means all sums and payments in money received or legally claimable by or on behalf of the Government from any person on account of any land or interest in or right exercisable over land held by or vested in him, under whatever designation such sum may be payable and any cess or rate authorised by the Government or the Administrator under the provisions of any law for the time being in force, and includes premium, rent, lease money, or any other payment provided under any Act, rule, contract or deed on account of any land;

(21) "legal practitioner" has the meaning assigned to it in the Advocates Act, 1961; 25 of 1961.

(22) "non-agricultural assessment" means the assessment fixed on any land under the provisions of this Regulation or the rules made thereunder with reference to the use of the land for a non-agricultural purpose;

(23) "occupancy" means a portion of land held by an occupant;

(24) "occupant" means a holder in actual possession of land, other than a tenant or Government lessee; provided that, where a holder in actual possession is a tenant, the landholder shall be deemed to be the occupant;

(25) "occupation" means possession;

(26) "occupied land" means land in respect of which occupancy rights have been granted to any person under this Regulation or under the Dadra and Nagar Haveli Land Reforms Regulation, 1971:

(27) "to occupy land" means to possess or to take possession of land:

(28) "pardi land" means a cultivated land appertaining to houses within a village site;

(29) "population", in relation to any area, means population as **ascertained** at the last preceding census of which the relevant figures have been published;

(30) "prescribed" means prescribed by rules made under this Regulation;

(31) "recognised agent" means a person authorised in writing by any party to a proceeding under this Regulation to make appearances and applications and to do other acts on his behalf in such proceedings;

(32) "revenue officer" means every officer of any rank whatsoever appointed under any of the provisions of this Regulation and employed in or about the business of the land revenue or of the surveys, assessments, accounts, or records connected therewith:

(33) "revenue year" means the year commencing on such date as the Administrator may, by notification in the Official Gazette, appoint;

51.

(34) "saza" means a group of villages in which is constituted a saza under section 4;

(35) "Sub-Divisional Officer" means an Assistant or Deputy Collector appointed as such under section 6;

(36) "sub-division of a survey number" means a portion of a su vey number of which the area and assessment are separately entered in the land records under an indicative number subordinate to that of the survey number of which it is a portion;

(37) "survey mark" means a mark erected for purposes of cadastral survey of land;

(38) "survey number" means a portion of land of which the area ard assessment are separately entered under an indicative number in the land records and includes plots reconstituted under a final to wn planning scheme or improvement scheme which has come into force in any area under any law;

(39) "survey officer" means an officer appointed under section 7;

(40) "tenant" means a lessee, whether holding under an instrument, or under an oral agreement, and includes a mortgagee of a tenant's rights with possession; but does not include a lessee holding directly under the Government;

(41) "Union territory" means the Union territory of Dadra and Nagar Haveli;

(42) "unoccupied land" means the land in a village other than the land held by an occupant, a tenant or a Government lessee;

(43) "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 or of any village or group of villages, which may be notified by the Administrator as urban area, regard being had to the density of population and of buildings in the area and the expression "non-urban area" shall be construed accordingly;

(44) "village" includes a town and all the land belonging to a village or town;

(45) "wada land" means an open land in village site used for tethering cattle or storing crops, fodder, manure or other similar things.

3. For the purposes of this Regulation, the Union territory shall be Division of one district which shall consist of one or more sub-divisions and each ritory into sub-division may consist of one or more talukas and each taluka may revenue consist of one or more villages.

4. (1) The Administrator may, by notification in the Official Gazette, --- Constitu-

(i) specify the sub-divisions which constitute the district:

(ii) specify the talukas which constitute a sub-division;

(iii) specify the villages which constitute a taluka;

(iv) specify the local area which constitutes a village; and

tion of revenue areas.

PART II-

(v) alter the limits of any village or abolish any village and may name or alter the name of any village and in any case where any village is re-named, then, all references in any law or instrument or document to the area under its original name shall be deemed to be references to the area so re-named, unless expressly otherwise provided:

Provided that the Administrator shall, as soon as possible after the commencement of this Regulation, constitute by like notification any area outside the limits of the gaothan of a village having a separate habitation and a population of not less than three hundred to be a village and specify therein the limits of the village so constituted.

(2) The Collector may by an order published in the prescribed manner arrange the villages which shall constitute a saza, and the sazas which shall constitute a circle and may alter the limits of, or abolish any saza or circle so constituted.

(3) The circles, sazas and villages existing at the commencement of this Regulation shall continue under the names they bear respectively to be the circles, sazas and villages unless otherwise altered under this section.

(4) Every notification issued or order made under this section shall be subject to the condition of previous publication, and the provisions of section 23 of the General Clauses Act, 1897 shall, so far as may be, no of the apply in relation to such notification or order, as they apply in relation to rules to be made after previous publication.

CHAPTER II

REVENUE OFFICERS: THEIR POWERS AND DUTIES

5. The chief controlling authority in all matters connected with the land revenue in the Union territory shall vest in the Collector, subject to the superintendence, direction and control of the Administrator.

6. (1) The Government shall appoint a Collector for the Union territory who shall be in charge of the revenue administration thereof; and the Administrator shall appoint a Mamlatdar who shall be the chief officer entrusted with the local revenue administration.

(2) The Administrator may appoint one or more Assistant Collectors and Deputy Collectors and one or more Additional Mamlatdars and such other persons (having such designations) to assist the revenue officers as he may deem expedient.

(3) The Administrator may appoint an Assistant or Deputy Collector as Sub-Divisional Officer.

(4) The Collector may appoint as many persons as he thinks fit to be Circle Officers and Circle Inspectors to be in charge of a circle and one or more *Talathis* for a *saza*, and one or more *Kathias* or other village servants for each village or group of villages, as he may deem fit.

Survey efficer : .

Chief controlling

authority in

revenue matters.

Revenue officers.

> 7. For the purposes of Chapters V, VI, VIII, IX and X the Administrator may appoint as many persons as he considers necessary to be survey officers with such designations as may from time to time appear to him to be necessary.

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8. It shall be lawful for the Administrator to appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient.

9. If the Collector or Mamlatdar is disabled from performing his vacancies, duties or for any reason vacates his office or leaves his jurisdiction or dies—

(a) the Assistant or Deputy Collector of the highest rank in the Union territory, or as the case may be,

(b) the Additional Mamlatdar and if there be no Additional Mamlatdar, the seniormost subordinate revenue officer in the taluka,

shall, unless other provision has been made by the Government or Administrator, succeed temporarily to the office of the Collector, or as the case may be, of the Mamlatdar and shall be held to be the Collector or Mamlatdar under this Regulation, until the Collector or Mamlatdar resumes charge or until such time as a successor is duly appointed and takes charge of his appointment.

Explanation.—An officer whose principal office is different from that of an Assistant or Deputy Collector, and who is working as an Assistant or Deputy Collector for special purposes only, shall not be deemed to be an Assistant or Deputy Collector for the purposes of this section.

10. (1) The Collector shall be subordinate to the Administrator.

Subordination of officers.

(2) All other revenue officers shall be subordinate to the Collector, provided that all such other revenue officers including survey officers shall be subordinate, the one to the other, in such order as the Administrator may direct.

11. The appointment of all officers referred to in sections 6, 7 and 8 Appointments to be shall be duly notified in the Official Gazette, but the appointment shall notified. take effect only from the date on which an officer assumes charge or his office.

12. (I) The revenue officers of and above the rank of a Mamlatdar Powers and duties of shall exercise the powers and discharge the duties and functions con-revenue ferred and imposed on them respectively under this Regulation or under officers. any other law for the time being in force, and so far as is consistent therewith, all such other powers, duties and functions of appeal, superintendence and control within their respective jurisdiction, and over the officers subordinate to them as may from time to time be prescribed by the Administrator:

Provided that the Collector may also exercise all the powers and discharge all the duties and functions conferred or imposed on an Assistant or Deputy Collector under this Regulation or under any other law for the time being in force and a Mamlatdar shall also exercise such powers as may be delegated to him by the Collector under the general or special orders of the Administrator.

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the Combination of offices.

(2) The revenue officers aforesaid shall also, subject to the control and the general or special orders of the Administrator, exercise such powers and perform such duties and functions, as the Administrator may by an order in writing confer or impose on them for the purpose only of carrying out the provisions of any law for the time being in force, and so far as is consistent therewith.

(3) The Additional Mamlatdar shall exercise such powers and discharge such duties and functions of the Mamlatdar under the provisions of this Regulation or under any other law for the time being in force as the Administrator may, by notification in the Official Gazette, direct in this behalf.

(4) The Sub-Divisional Officer shall subject to the provisions of Chapter XIII perform all the duties and functions and exercise all the powers conferred upon a Collector by this Regulation or any other law for the time being in force, in relation to the sub-division:

Provided that the Collector may whenever he may deem fit direct the Sub-Divisional Officer not to perform certain duties or exercise certain powers and may reserve the same to himself or assign them to any Assistant or Deputy Collector subordinate to the Collector:

Provided further that, to such Assistant or Deputy Collector who is not placed in charge of the sub-division, the Collector shall, under the general orders of the Administrator, assign such particular duties and powers as he may from time to time deem fit.

(5) Subject to such general orders as may, from time to time, be passed by the Administrator, the Collector may assign to an Aval Karkun subordinate to the Mamlatdar such of the duties, functions and powers of the Mamlatdar as he may from time to time deem fit.

(6) Subject to such general orders as may from time to time be passed by the Collector. a Mamlatdar or Aval Karkun may employ any of his subordinates to perform any portion of his ministerial duties:

Provided that all acts and orders of such subordinates when so employed shall be liable to revision and confirmation by the Mamlatdar or Aval Karkun, as the case may be.

(7) In all matters not specifically provided for by this Regulation or any other law for the time being in force, the revenue officers shall act according to the instructions of the Administrator.

13. (1) Subject to the orders of the Administrator, the survey officers are vested with the cognisance of all matters connected with the survey, settlement and record of rights and shall exercise all such powers and perform all such duties as provided by this Regulation or any other law for the time being in force.

(2) The Circle Officer and the Circle Inspector in charge of a circle shall exercise such powers over the *Talathi* in his circle and perform such duties and functions as may be prescribed.

Powers and duties of survey officers, circle officers, etc,

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

(3) The Talathi shall be responsible for the collection of land revenue and all amounts recoverable as arrears of land revenue, and for the maintenance of the record of rights and shall perform all such duties and functions as are hereinafter provided by this Regulation or any other law for the time being in force or by order of the Administrator or Collector.

(4) Subject to the general orders of the Administrator, the Collector shall determine from time to time what registers, accounts and other records shall be kept by a Talathi.

(5) It shall be also the duty of a Talathi to prepare whenever called upon by any superior revenue or police officer to do so, all writings connected with the concerns of a village which are required either for the use of the Government or the public, such as notics, reports of inquests. and depositions and examinations in criminal matters.

(6) All other revenue officers shall perform such duties and functions as the Administrator may direct.

14. The Administrator may confer on any person possessing the pres- Conferral by Administracribed qualifications, the powers conferred by this Regulation on an tor of powers of Assistant or Deputy Collector or Mamlatdar. revenue

15. The Administrator shall from time to time by notification in the Officers who Official Gazette prescribe what revenue officers shall use a seal; and what seal and size and description of seal shall be used by each of such officers.

cribed. Provisions for recovery of money, papers or other Government property

16. (1) The Collector or any officer deputed by the Collector shall, in Demands for all cases in which he may have a claim on any revenue officer or on any papers, etc., person formerly employed as such for public money or papers or other to he made property of the Government, by writing under signature and his official known in writing to seal, if he uses one, require the money, or the particular papers or pro- person concerned etc perty detained to be delivered either immediately to the person bearing the said writing, or to such person on such date and at such place as the writing may specify.

(2) If the officer or other person aforesaid does not discharge the money, or deliver up the papers or property as directed, the Collector or such other officer may cause him to be apprehended, and may send him with a warrant in the form specified in Schedule A, to be confined in a civil jail till he discharges the sums or delivers up the papers or property demanded from him:

Provided that no person shall be detained in confinement by virtue of any such warrant for a longer period than one month.

17. (1) The Collector may also take proceedings to recover any public Recovery of moneys in the same manner and subject to the same rules as are laid public down in this Regulation for the recovery of arrears of land revenue from arrears of defaulters; and for the purposes of recovering public papers or other pro- land perty of the Government may issue a search warrant and exercise all and issue of such powers with respect thereto as may be lawfully exercised by a warrant for Magistrate under the provisions of Chapter VII of the Code of Criminal recovery of 5 of 1898. Procedure, 1898.

moneys as revenue search papers or property.

officers on other persons.

description

of seal, to be pres-

THE GAZETTE OF INDIA EXTRAORDINARY

PART II-

(2) It shall be the duty of all persons in possession of such public moneys, papers or other property of the Government to make over the same forthwith to the Collector, and every person knowing where any such property is concealed shall be bound to give information of the same to the Collector.

18. If an officer or other person referred to in section 17 against whom a domand is made shall give sufficient security in the form specified in Schedule B, the Collector shall cause such officer or person, if in custody, to be liberated and countermand the sale of any property that may have been attached and restore it to the owner.

CHAPTER III

OF LANDS

19. (1) All public roads, lanes and paths, the bridges, ditches, dikes in all lands, and fences, on or beside the same, the bed of rivers, streams, nallas, lakes public roads, and tank; and all canals and watercourses, and all standing and flowing water, and all lands wherever situated, which are not the property of persons legally capable of holding property, and except in so far as any rights of such persons may be established, in or over the same and except as may be otherwise provided in any law for the time being in force, are and are hereby declared to be, with all rights in or over the same, or appertaining thereto, the property of the Government, and it shall be lawful for the Collector to dispose of them in such manner as may be prescribed subject always to the rights of way and ali other rights ot the public or of individuals legally subsisting.

> (2) 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, it shall be lawful for the Collector or a survey officer, after formal inquiry of which due notice has been given, to pass an order deciding the claim.

> (3) An order passed by the Collector or a survey officer under subsection (1) or sub-section (2) shall be subject to one appeal and revision in accordance with the provisions of this Regulation.

> (4) Any suit instituted in any civil court after the expiration of onyear from the date of any order passed under sub-section (1) or sub-section (2) or, if appeal has been made against such order within the period of limitation, then from the date of any order passed by the appellate authority, shall be dismissed (through limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claim. ed is inconsistent with such order, provided that in the case of an order under sub-section (2) the plaintiff has had due notice of such order.

> (5) Any person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with the rules made in this behalf by the Administrator.

Extinction of rights of public in or over any public road, line or path for use of Pull'e

20. (1) Whenever it appears to the Collector that any public road, lane or path which is the property of the Government or part thereof (hereafter in this section $_{
m re}$ ferred to as the Government road), is not required for the use of the public, the Collector may, by notification published in not required the Official Gazette, make a declaration to that effect and state in such declaration that it is proposed that the rights of the public in or over

J .cer or person in jail may secure his release by furnishing security.

Title of Government etc., which are not property of others.

such Government road (of which the situation and limits as far as practicable are specified) shall subject to the existing private rights, if any, be extinguished.

(2) On the publication of such notification, the Collector shall, as soon as possible, cause public notice of such declaration to be given at convenient places on, or in the vicinity of, such Government road, and shall invite objections to the proposal aforesaid.

(3) Any member of the public or any person having any interest or right, in addition to the right of public highway in or over such Government road, or having any other interest or right which is likely to be adversely affected by the proposal may, within ninety days after the issue of the notification under sub-section (1), state to the Collector in writing his objections to the proposal, the nature of such interest or right and the manner in which it is likely to be adversely affected and the amount and particulars of his claim to compensation for such interest or right:

Provided that the Collector may allow any person to make such statement after a period of ninety days aforesaid if he is satisfied that such person had sufficient cause for not making it within that period.

(4) The Collector shall give to every person who has made a statement to him under this section an opportunity of being heard either in person or by a legal practitioner and shall, if after hearing all such persons in such manner and after making such further inquiry, if any, as he thinks necessary he is satisfied that the Government road is not required for the use of the public, make a declaration, which shall be published in the Official Gazette, that all rights of the public in or over such Government read are extinguished and all such rights shall thereupon be extinguished, and such Government road shall subject to any existing private rights be at the disposal of the Government with effect from the date of such declaration. The Collector shall also determine the amount of compensation, if any, which should in his opinion, be given in any case in respect of any substantial loss or damage likely to be caused by the proposed extinction of the rights of the public as aforesaid. The provisions of sections 9, 10, 11, 12, 13, 14 and 15 of the Land Acquisition Act, 1894, shall, so far as may be, apply to the proceedings held by the Collector for the determination of the amount of compensation under this sub-section :

cf 1894.

Provided that no compensation shall be awarded for the extinction or diminution of the right of public highway over such Government road.

(5) The decision of the Collector under sub-section (4) as respects the extinguishment of the rights of the public on or over Government road and the amount of compensation and the persons to whom such compensation, if any, is payable shall subject to the decision of the Administrator in appeal, be final; and payment of compensation shall be made by the Collector to such persons accordingly:

Frovided that if payment is not made within six months from the date of the final order, the Collector shall pay the amount awarded with interest thereon at the rate of six per cent. per annum from the date of the final order. THE GAZETTE OF INDIA EXTRAORDINARY

Lands may be assigned for special purposes. and when assigned, shall not be otherwise used without sanction of Collector.

21. Subject to the general orders of the Administrator, it shall be lawful for a survey officer during the course of survey operations under this Regulation, and at any other time for the Collector, to set apart unoccupied lands (not in the lawful occupation of any person) in villages or parts thereof for forest or fuel reserve, for free pasturage of village cattle or for grass or fodder reserve, for burial or cremation ground for gaothan, for camping ground, for threshing floor, for bazar, for skinning ground, for public purposes such as roads, lanes, parks, drains or for any other public purpose, and the lands assigned shall not be otherwise used without the sanction of the Collector and in the disposal of lands under section 20 due regard shall be had to all such special assignments.

Regulation of use of pasturage.

22. The right of grazing on free pasturage lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, and shall be regulated according to rules made by the Administrator in this behalf. The Collector's decision in any case of dispute as to the right of grazing aforesaid shall, subject to one appeal only according to the provisions of this Regulation, be conclusive.

Recovery of value of natural products unauthorisedly removed from certain lands.

23. Any person who unauthorisedly removes from any land, which is set apart for a special purpose or from any land which is the property of Government, any natural product shall be liable to the Government for the value thereof, and in addition, to a fine not exceeding five times the value of the natural product so removed and such value and fine shall be recoverable from him as an arrear of land revenue.

Right to trees in holdings.

24. (1) With effect from the commencement of this Regulation, the right to all trees, except teak, khair, sesum, sandalwood and mahura trees standing or growing on any occupied land shall vest in the holder thereof, but if the Administrator is of opinion that it is necessary to prohibit or regulate the cutting of any such trees for preventing erosion of soil, he may by rules prohibit or regulate the cutting of such trees.

(2) All teak, khair, sesum, sandalwood and mahura trees, standing or growing in any land exclusively belong to the Government and their disposal shall be governed by the forest law in force in the Union territory and by such rules as may be made in this behalf by the Administrator.

Trees and forest vesting in

25. The right to all trees, brushwood, jungle or other natural product growing on land set apart for forest reserves under section 21 and to all Government. trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of persons capable of holding property, vests in the Government, and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as may be prescribed.

Recovery of value of trees, etc. unauthorisedly appropriated.

26. Any person who shall unauthorisedly fell and appropriate any tree or any portion thereof which is the property of the Government shall be liable to the Government for the value thereof, which shall be recoverable from him as an arrear of land revenue in addition to any penalty to which he may be liable under the provisions of this Regulation for the occupation of the land or otherwise, notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of Government property.

THE GAZETTE OF INDIA EXTRAORDINARY Sec. 11

27. (1) Where trees are standing in any waste land outside any reserv- Regulation ed forest, the villagers in general may take firewood, and agriculturists, of cutting and supply such wood as may be required for agricultural implements, without pay- of wood, ment of any tax but subject to rules made by the Administrator.

(2) In lands which have been set apart under section 21 for forest reserves subject to the privileges of the villagers or of certain classes of persons to cut firewood or timber for domestic or other purposes, the exercise of the said privileges shall be regulated by rules made by the Administrator in this behalf and in case of dispute, as to the mode or time of exercising any such privileges, the decision of the Collector shall, subject to one appeal only in accordance with the provisions of this Regulation, be final.

Of the grant of land

28. There shall be under this Regulation the following classes of per- Classes of nersons sons holding land from the Government, that is to say,-

(a) occupants,

(b) Government lessees.

29. Where any unoccupied land is granted to any person under any of Occupation the provisions of this Regulation, it shall be the duty of the Mamlatdar granted without delay to call upon such person to enter upon the occupation of under provisions o**f** such land in accordance with the terms of the grant. this Regula-

30. (1) It shall be lawful for the Collector subject to such rules as Unoccupied land may be may from time to time be made by the Administrator in this behalf, to granted on conditions. require the payment of a price for land or to sell the same by auction. and to annex such conditions to the grant as may be prescribed by such rules before land is entered upon under section 29.

(2) The price (if any) paid for such land shall include the price of the Government's right to all trees thereon and shall be recoverable as an arrear of land revenue.

31. (1) When it appears to the Collector that any alluvial land, which Grant of vests under any law for the time being in force in the Government, may vesting in with due regard to the interests of the public revenue be disposed of, he Government. shall, subject to the rules made by the Administrator in this behalf, offer the same to the occupant (if any) of the bank on which such alluvial land has formed and the price of the land so offered shall not exceed three times the annual assessment thereof.

(2) If the occupant does not accept the offer, the Collector may dispose of the land without any restrictions as to price.

Explanation—For the purpose of this section, notwithstanding any thing contained in clause (24) of section 2, if the bank has been mortgaged with possession, the mortgagor shall be deemed to be the occupant thereof.

32. When alluvial land forms on any bank, the occupant if any, of Temperary such bank shall be entitled to the temporary use thereof unless or until right on alluvial the area of the same exceeds two-fifths of an hectare and when the area lands of of the alluvial land exceeds two-fifths of an hectare, it shall be at the small extent. disposal of the Collector subject to the provisions of section 31.

alluvial land

ĥolding land.

tion.

Disposal of intestate occupancies.

33. (1) If an occupant dies intestate and without known heirs, the Collector shall take possession of his occupancy and may lease it for a period of one year at a time.

(2) If within three years of the date on which the Collector takes possession of the occupancy, any claimant applies for the occupancy being restored to him, the Collector may, after such enquiry as he thinks fit, place such claimant in possession of the occupancy or reject his claim.

(3) The order of the Collector under sub-section (2) shall not be subject to appeal or revision but any person whose claim is rejected under sub-section (2) may, within one year from the date of the communication of the order of the Collector, file a suit to establish his title and if such suit is filed, the Collector shall continue to lease out the land as provided in sub-section (2), till the final decision of the suit.

(4) If no claimant appears within three years from the date on which the Collector took possession of the occupancy or if a claimant whose claim has been rejected under sub-section (2) does not file a suit within one year as provided in sub-section (3), the Collector may sell the right of the deceased occupant in the occupancy by auction.

(5) Notwithstanding anything contained in any law for the time being in force, a claimant, who establishes his title to the occupancy which has been dealt with in accordance with the provisions of this section, shall be entitled only to the rents payable under sub-section (1) and the saleproceeds realised under sub-section (4) less all sums due on the occupancy on account of land revenue and the expenses of management and sale.

34. An occupancy shall, subject to the provisions contained in section 67 and to any conditions lawfully annexed to the tenure, and save as otherwise provided by law, be deemed an heritable and transferable property.

35. An occupant is entitled to the use and occupation of his land in perpetuity conditionally on the payment of the amount due on account of the land revenue for the same, according to the provisions of this Regulation or of any rules made under this Regulation or of any other law for the time being in force, and on the fulfilment of any other terms or conditions lawfully annexed to his tenure.

Power to grant leases.

pay land

lessee to

pay rent fised.

Occupancy

to be trans

ferable and heritable

subject to

certain restrictions.

Occupants' rights are conditional.

> 36. (1) It shall be lawful for the Collector at any time to grant on lease any unoccupied land to any person for such period, for such purpose and on such conditions as he may, subject to rules made by the Administrator in this behalf, determine and in any such case the land shall, whether a survey settlement has been extended to it or not, be held only for the period and for the purpose and subject to the conditions so determined.

> (2) The grantee shall be called a Government lessee in respect of the land so granted.

37. Every occupant shall pay as land revenue the assessment fixed Occupant to under the provisions of this Regulation and the rules made thereunder; revenue and and every Government lessee shall pay as land revenue lease money fixed Government under the terms of the lease.

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THE GAZETTE OF INDIA EXTRAORDINARY SEC. 11

38. Nothing contained in any provision of this Regulation shall dero- Saving of gate from the right of the Government to dispose of any land, the pro- Government. perty of Government, on such terms and conditions as it deems fit.

Of use of land.

39. A holder of any land assessed or held for the purpose of agricul-Uses to ture is entitled by himself, his servants, tenants, agents or other legal which holder representatives to erect farm buildings, construct wells or tanks or make for purposes any other improvements thereon for the better cultivation of the land or $\frac{\text{of agriculture}}{\text{ture } \text{may}}$ its more convenient use for the purpose aforesaid. put his land.

40. No land used for agriculture shall be used for any non-agricultural Permession 40. No land used for agriculture shall be used for any hon agricultural purpose shall be for non-agricultural purpose shall be agricultural used for any other non-agricultural purpose or for the same non-agricultural purpose but in relaxation of any of the conditions imposed at the time of the grant of land or permission for non-agricultural purposeexcept with the permission of the Collector.

41. Subject to the rules made by the Administrator in this behalf the Restriction Collector or a survey officer may regulate or prohibit the use of land liable to the payment of land revenue for purposes such as cultivation of unarable land in a survey number assigned for public purpose, manufacture of salt from agricultural land, removal of earth, stone, kankar, murum or any other material from the land assessed for the purpose of agriculture only, so as to destroy or materially injure the land for cultivation, removal of earth, stone (other than loose surface stone), kankar, murum or z y other material from the land assessed as a building site, excavation of land situated within a gaothan and such other purposes as may be prescribed and may summarily evict any person who uses or attempts to use the land for any such prohibited purpose.

42. (1) If an occupant or a tenant of land,—

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

Procedure for conver-sion of use from one purpose to

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

(c) desires to use it for the same non-agricultural purpose for which it is assessed but in relaxation of any of the conditions imposed at the time of grant of land or permission for such non-agricultural purpose,

such occupant or tenant shall, with the consent of the tenant or as the case may be, of the occupant, apply to the Collector for permission in accordance with the form prescribed.

(2) The Collector, on receipt of an application,---

(a) shall acknowledge the application within seven days;

(b) may, unless he directs otherwise, return the application if it is not made by the occupant or as the case may be, the tenant or if the consent of the tenant, or as the case may be, of the occupant has not been obtained, or if it is not in accordance with the form prescribed;

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may

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[PART II----

(c) may, after due enquiry, either grant the permission on such terms and conditions as he may specify subject to any rules made in this behalf by the Administrator, or refuse the permission applied for, if it is necessary so as to do to secure the public health, safety and convenience or if such use is contrary to any scheme for the planned development of a village or town in force under any law for the time being in force and in the case of land which is to be used as building sites in order to secure in addition that the dimensions, arrangements and accessibility of the sites are adequate for the health and convenience of the occupiers or are suitable to the locality.

(3) Where an application is rejected under sub-section (2), the Collector shall state the reasons in writing for such rejection.

(4) If the Collector fails to inform the applicant of his decision within ninety days from the date of acknowledgement of the application, or from the date of receipt of the application, if the application is not acknowledged, or within fifteen days from the date of receipt of application for a temporary change of user, or where an application has been duly returned for the purposes mentioned in clause (b) of sub-section (2), then, within ninety days from the date on which it is again presented duly complied with, the permission applied for shall be deemed to have been granted but subject to any conditions prescribed in the rules made by the Administrator in respect of such user.

(5) The person to whom permission is granted or deemed to have been granted under this section shall inform the Mamlatdar in writing through the village officers the date on which the change of use of land commenced, within thirty days from such date.

(6) If the person fails to inform the Mamlatdar within the period specified in sub-section (5) he shall be liable to pay in addition to the nonagricultural assessment such fine, as the Collector may, subject to rules made in this behalf, direct, but not exceeding five hundred rupees.

(7) When the land is permitted to be used for a non-agricultural purpose, a sanad shall be granted to the holder thereof in the form prescribed under the rules.

(8) It shall be lawful for the Collector, either of his own motion or on the application of a person affected by the error, to direct at any time the correction of any clerical or arithmetical error in the sanad arising from any accidental slip or omission.

Penalty for using land without permission, 43. (1) If any land held or assessed for one purpose is used for another purpose—

(a) without obtaining permission of the Collector under section 42 or before the expiry of the period after which the change of user is deemed to have been granted under that section, or in contravention of any of the terms and conditions subject to which such permission is granted, or

(b) in contravention of any of the conditions subject to which any exemption or concession in the payment of land revenue in relation to such land is granted,

the holder thereof or any other person claiming through or under him. as the case may be, shall be liable to the one or more of the following penalties, that is to say,---

(i) to pay non-agricultural assessment on the land leviable with reference to the altered use:

(ii) to pay in addition to the non-agricultural assessment which may be leviable by or under the provisions of this Regulation such fine as the Collector may, subject to rules made by the Administrator in this behalf, direct:

(iii) to restore the land to its original use or to observe the conditions on which the permission is granted within such reasonable period as the Collector may by notice in writing direct; and such notice may require such person t_0 remove 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 conditions may be satisfied.

(2) If any person fails within the period specified in the notice aforesaid to take steps required by the Collector, the Collector may also impose on such person a penalty not exceeding three hundred rupees for such contravention, and a further penalty not exceeding thirty rupees for each day during which the contravention is persisted in and the Collector may himself take those steps or cause them to be taken, and any cost incurred in so doing shall be recoverable from such person as if it were an arrear of land revenue.

Explanation.—Using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be change of user.

44. If a tenant of any holder or any person claiming under or through Responsibilihim uses land for a purpose in contravention of the provisions of section or other 40, 41 or 42 without the consent of the holder and thereby tenders the person for holder liable to the penalties specified in section 41, 42 or 43, the tenant use. or such person, as the case may be, shall be responsible to the holder in damages.

45. Nothing in section 40, 42, 43 or 44 shall prevent—

(a) the Administrator from exempting any land or class of lands tor to exempt land from the operation of any of the provisions of those sections, if the from pro-Administrator is of opinion that it is necessary in the public interest visions of section 40, for the purpose of carrying out any of the objects of this Regulation 42, 43 or 44. to exempt such land or such class of lands; and

(b) the Collector from regularising the non-agricultural use of any land on such terms and conditions as may be prescribed by him subject to rules made in this behalf by the Administrator.

46. (1) Unless it is otherwise expressly provided by the terms of the Government's title grant made by the Administrator, the right to all minerals at whatever to mines and place found, whether on surface or underground, including all derelict or minerals. working mines and quarries, old dumps, pits, fields, bandhs, nallas, riverbeds and such other places, is and is hereby declared to be expressly

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Powers of Administrareserved and shall vest in the Government which shall have all powers necessary for the proper enjoyment of such rights:

Provided that nothing in this Regulation shall be deemed to affect any subsisting rights of any person in respect of such mines or minerals in his land.

(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 and machinery, the stacking of minerals and deposit of refuse, the construction of roads, railways or tram-lines and any other purposes which the Administrator may declare to be subsidiary to mining and quarrying.

(3) If the Administrator has assigned to any person Government's 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-sections (1) and (2) should be exercised, the Collector may, by an order in writing, subject to such conditions and reservations as he may specify, delegate such powers to the person to whom the right has been assigned:

Provided that, no such delegation 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 the right herein referred to over any land, the rights of any persons are infringed by the occupation or disturbance of the surface of such land, the assignee shall pay to such persons compensation for such infringement and the amount of such compensation shall, in the absence of agreements, be determined by the Collector or, if his award is not accepted, by the civil court, in accordance with the provisions of the Land Acquisition Act, 1894.

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(5) No assignee shall enter upon or occupy the surface of any land without the previous sanction of the Collector unless compensation has been determined and tendered to the persons whose rights are infringed:

Provided that it shall be lawful for the Collector to grant interim permission pending the award of the civil court in cases where the question of determining the proper amount of compensation is referred to such court under sub-section (4).

(6) If an assignee fails to pay compensation as provided in sub-section (4), the Collector may recover such compensation from him on behalf of the persons entitled to it, as if it were an arrear of land revenue.

(7) Any person who without lawful authority extracts, removes, collects, replaces, picks up or disposes of any mineral from working or derelict mines, quarries, old dumps, fields, bunds (whether on the plea of repairing or construction of bunds of the fields or on any other plea), nallas, river-beds, or such other places wherever situate, the right to which vests in, and has not been assigned by the Administrator, shall, without prejudice to any other mode of action that may be taken against him, be liable, on the order in writing of the Collector, to pay penalty hot exceeding a sum determined, at three times the market value of the minerals so

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extracted, removed, collected, replaced, picked up or disposed of, as the case may be:

Provided that if the sum so determined is less than one thousand rupees the penalty may be such larger sum not exceeding one thousand rupees as the Collector may impose.

(8) Without prejudice to the provisions in sub-section (7) the Collector may seize and confiscate any mineral extracted, removed, .collected, replaced, picked up or disposed of from any mine, quarry or other place referred to in sub-section (7) the right to which vests in the Government and has not been assigned by the Administrator.

(9) The Administrator may make rules to regulate the extraction and removal of minor minerals required by inhabitants of a village or town for their domestic, agricultural or professional use on payment of fees or free of charge as may be specified in the rules.

Explanation.—For the purposes of this section and sections 155 and 156 "minor minerals" has the same meaning as in clause (e) of section 3 of the 57 of 1957. Mines and Minerals (Regulation and Development) Act, 1957.

> 47. (1) If any person (hereafter called "the applicant") desires to Construction construct a watercourse to take water to irrigate his land for the purpose course of agriculture from a source of water to which he is entitled (including through land beany source of water belonging to Government from which water is per-longing mitted to be taken) but such watercourse is to be constructed through to other any land which belongs to or is in possession of another person (hereafter called "the neighbouring holder"), and if no agreement is arrived at for such construction between the applicant and the neighbouring holder, the person desiring to construct the watercourse may make an application in the prescribed form to the Mamlatdar.

of waterperson.

Explanation.—For the purposes of this section "neighbouring holder" includes the person to whom the land belongs and all persons holding through or under him.

(2) On receipt of the application, if the Mamlatdar after making an inquiry and after giving the neighbouring holder and all other persons interested in the land, an opportunity of stating any objection to the application, is satisfied that for ensuring the full and efficient use for agriculture of the land belonging to the applicant it is necessary to construct the watercourse, he may by order in writing, direct the neighbouring holder to permit the applicant to construct the watercourse on the following conditions: ----

(i) The watercourse shall be constructed through such land in such direction and manner as is agreed upon by the parties, or failing agreement, as directed by the Mamlatdar so as to cause as little damage to the land through which it is constructed, as may be possible.

(ii) Where the watercourse consists of pipes laid under or over the surface, it shall, as far as possible, be along the shortest distance through such land, regard being had to all the circumstances of the land of the neighbouring holder. Where the watercourse consists of underground pipes, the pipes shall be laid at a depth not less than half a metre from the surface of the land.

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(*iii*) Where the watercourse consists of a water channel, the width of the channel shall not be more than that is absolutely necessary for the carriage of water, and in any case shall not exceed one and one half metres.

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(iv) The applicant shall pay to the neighbouring holder—

(a) such compensation for any damage caused t_0 such land by reason of the construction of the watercourse injuriously affecting such land; and

(b) such annual rent as the Mamlatdar may decide to be reasonable in cases where the watercourse consists of a water channel and pipes laid over the surface, and where it consists of underground pipes, say, at a rate of 25 paise for every ten metres or a fraction thereof for the total length of land under which the underground pipe is laid.

(v) The applicant shall maintain the watercourse in a proper state of repair.

(vi) Where the watercourse consists of underground pipes, the applicant shall—

(a) cause the underground pipe to be laid with the least practicable delay; and

(b) dig up no more land than is reasonably necessary for the purpose of laying the underground pipe and any land so dug up shall be filled in, reinstated and made good by the applicant at his own cost for use by the neighbouring holder.

(vii) Where the applicant desires to lay, repair or renew the pipe, he shall do so after reasonable notice to the neighbouring holders of his intention so to d_0 and in so doing he shall cause as little damage as possible to the land or any crop standing thereon.

(viii) Such other conditions as the Mamlatdar may think fit to impose.

(3) An order made under sub-section (2) shall direct how the amount of compensation shall be apportioned among the neighbouring holders and all persons interested in the land.

(4) Any order made under sub-section (2) shall be final and be a complete authority to the applicant or to any agent or other person employed by him for the purpose to enter upon the land specified in the order with assistants or workmen and to do all such work as may be necessary for the construction of the watercourse and for renewing or repairing the same.

(5) If the applicant in whose favour an order under sub-section (2) is made—

(a) fails to pay the amount of compensation or the amount of rent, it shall be recovered as an arrear of land revenue on an application being made to the Mamlatdar by the person entitled thereto;

(b) fails to maintain the watercourse in a proper state of repairs, he shall be liable to pay such compensation as may be determined by the Mamlatdar for any damage caused on account of such failure.

holder.

(6) If any person intends to remove or discontinue the watercourse constructed under the authority conferred on him under this section, he may do so after giving notice to the Mamlatdar and the neighbouring

(7) In the event of removal or discontinuance of such watercourse, the person taking the water shall fill in and reinstate the land at his own cost with the least practicable delay and if he fails to do so, the neighbouring holder may apply to the Mamlatdar who shall require such person to fill in and reinstate the land.

(8) The neighbouring holder or any person on his behalf shall have the right to the use of any surplus water from the watercourse on payment of such rates as may be agreed upon between the parties and on failure of agreement, as may be determined by the Mamlatdar and if a dispute arises whether there is or is no surplus water in the watercourse, it shall be determined by the Mamlatdar and his decision shall be final.

(9) There shall be no appeal from any order passed by a Mamlatdar under this section, but the Collector may call for and examine the record of any case and if he considers that the order passed by the Mamlatdar is illegal or improper, he may, after due notice to the parties, pass such order as he deems fit.

(10) The orders passed by the Mamlatdar or Collector under this section shall not be called in question in any court.

(11) Where any person, who after a summary inquiry before the Collector or a survey officer or Mamlatdar is proved to have wilfully injured or damaged any watercourse duly constructed or laid under this section, he shall be liable to a fine not exceeding one hundred rupees every time for the injury or damage so caused.

Of encroachments on land

48. (1) In the event of any encroachment being made on any land Removal of vested in the Government (whether or not in charge of any local autho- encroachrity) or any such land being used for the purpose of hawking or selling land vesting articles without the sanction of the competent authority, it shall be law- in Governful for the Collector to summarily abate or remove any such encroach-visions for ment or cause any article whatsoever hawked or exposed for sale to be penalty and other inciremoved, and the expenses incurred therefor shall be leviable from the dental person in occupation of the land encroached upon or used as aforesaid.

matters,

(2) The person who made such encroachment or who is in unauthorised occupation of the land so encroached upon shall pay, if the land encroached upon forms part of an assessed survey number, assessment for the entire survey number for the whole period of the encroachment, and if the land has not been assessed, such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land used for the same purpose. Such person shall pay in addition a fine which shall not be less than five rupees but not more than one thousand rupees if the land is used for an agricultural purpose, and if used for a purpose other than agriculture such fine not exceeding two thousand rupees. The person caught hawking or selling any articles shall be liable to pay a fine of a sum not exceeding fifty rupees as the Collector may determine.

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(3) The Collector may, by notice duly served under the provisions of this Regulation, prohibit or require the abatement or removal of encroachments on any such lands, and shall fix in such notice a date which shall be a reasonable time after such notice, on which the same shall take effect.

(4) Every person who makes, causes, permits or continues any encroachment on any land referred to in a notice issued under sub-section (3) shall in addition to the penalties specified in sub-section (2) be liable at the discretion of the Collector to a fine not exceeding twenty five rupees in the case of encroachment for agricultural purposes and fifty rupees in other cases for every day during the portion of which the encroachment continues after the date fixed for the notice to take effect.

(5) An order passed by the Collector under this section shall be subject to appeal and revision in accordance with the provisions of this Regulation.

(6) Nothing contained in sub-sections (1) to (4) shall prevent any person from establishing his rights in a civil court within a period of six months from the date of the final order under this Regulation.

Regularisation of encroachments.

49. (1) Nothing in section 48 shall prevent the Collector, if the person making the encroachment so desires, to charge the said person a sum not exceeding five times the value of the land so encroached upon and t_0 fix an assessment not exceeding five times the ordinary annual land revenue thereon and to grant the land to the encroacher on such terms and conditions as the Collector may impose subject to rules made by the Administrator in this behalf and then to cause the said land to be entered in the land records in the name of the said person:

Provided that no land shall be granted as aforesaid unless the Collector gives public notice of his intention so to do in such manner as he considers fit, and considers any objections or suggestions which may be received by him before granting the land as aforesaid.

(2) The expenses incurred in giving the public notice under the provisions of sub-section (1) shall be paid by the person making the encroachment, and on his failure to do so on demand within a reasonable time shall be recovered from him as an arrear of land revenue.

Value and land revenue how calculated.

50, (1) For the purposes of section 49 the value of land that has been encroached upon shall be fixed by the Collector according to the market value of similar land in the same neighbourhood at the time of such valuation and the annual revenue of such land shall be assessed at the same rate as the land revenue of similar land in the vicinity.

(2) The Collector's decision as to the value of the land and the amount of land revenue or assessment payable for the land encroached upon shall be conclusive and in determining the amount of land revenue, occupation for a portion of year shall be counted as for a whole year.

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51. (1) If in the opinion of the Collector any person is unauthorisedly Summary occupying or wrongfully in possession of any land vesting in the Government or is not entitled or has ceased to be entitled to continue the use, authorisedly occupation or possession of any such land by reason of the expiry of the land vesting period of lease or tenancy or termination of the lease or tenancy or in Governbreach of any of the conditions annexed to the tenure, it shall be lawful for the Collector to summarily evict such person in the manner provided in sub-section (2).

(2) The Collector shall serve a notice on such person requiring him within such time as may appear reasonable after receipt of the said notice to vacate the land, and if such notice is not obeyed, the Collector may remove him from such land.

(3) A person unauthorisedly occupying or wrongfully in possession of land after he has ceased to be entitled to continue the use, occupation or possession by virtue of any of the reasons specified in sub-section (1)shall also be liable at the discretion of the Collector to pay a penalty not exceeding two times the assessment or rent for the land for the period of such unauthorised use or occupation.

52. (1) After summary eviction of any person under section 51 any Forfeiture building or other construction erected on the land or any crop raised in of property the land shall, if not removed by such person after such written notice as left over the Collector may deem reasonable, be liable to forfeiture or to summary summary removal.

(2) Forfeitures under this section shall be adjudged by the Collector and any property so forfeited shall be disposed of in such manner as the Collector may direct, and the cost of the removal of any property under this section shall be recoverable as an arrear of land revenue.

Of relinquishment of land

53. An occupant may relinquish his land, that is, resign in favour of Relinquishthe Government but subject to any rights, tenures, incumbrances or equities lawfully subsisting in favour of any person other than the Government or the occupant, by giving notice in writing to the Mamlatdar not less than thirty days before the date of commencement of the agricultural year, and thereupon, he shall cease to be an occupant from the agricultural year next following such date:

Provided that no portion of land which is less in extent than a whole survey number or sub-division of a survey number may be relinquished.

11,54. If any person relinquishes land, the way to which lies through any Right of way to relinguiother land which he retains, the right of way through the land so retain- shed land. ed shall continue to the future holder of the land relinquished.

55. Nothing in section 53 shall affect the validity of the terms or con-Saving of ditions of any lease or other express instrument under which land is, or section 53 may hereafter be, held from the Government.

in certain cases.

56. Any person unauthorisedly occupying or wrongfully in possession Summary eviction of of any landhave done persons

(a) to the use or occupation of which by reason of any of the sedly occu 156 : provisions of this Regulation he is not entitled or has ceased to be pying land. torial contraction of the support entitled, or

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eviction of person unoccupyin ment.

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(b) which is not transferable except in accordance with any rules made under this Regulation or by virtue of any condition lawfully annexed to the tenure under the provisions of section 30, 35 or 42,

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may be summarily evicted by the Collector.

Power of Administrator to suspend operation of section 53.

57. (1) It shall be lawful for the Administrator by notification in the Official Gazette from time to time,—

(a) to suspend the operation of section 53 within any prescribed local area, either generally or in respect of cultivators or occupants of a particular class or classes, and

(b) to cancel any such notification.

(2) During the period for which any notification under clause (a) of sub-section (1) is in force within any local area, such orders as the Administrator may from time to time make, shall be substituted for the provisions of which the operation is suspended.

Protection of certain occupancies from process of courts

Occupancy when not liable to process of civil court; court to give effect to Collector's certificate.

58. In any case where an occupancy is not transferable without the previous sanction of the Collector under the rules made under this Regulation or under any other law and such sanction has not been granted to a transfer which has been made or ordered by a civil court or on which the court's decree or order is founded—

(a) such occupancy shall not be liable to the process of any court, and such transfer shall be null and void, and

(b) the court, on receipt of certificate under the hand and seal of the Collector to the effect that any such occupancy is not transferable without his previous sanction and that such sanction has not been granted, shall remove any attachment or other process placed on, or set aside any sale of, or affecting, such occupancy.

CHAPTER IV

OF LAND REVENUE

All land liable to pay revenue unless specially exempted, $: t^{\dagger}$

59. All land, whether applied to agricultural or other purposes, and wherever situate, is liable to the payment of land revenue to the Government as provided by or under this Regulation except such as may be wholly exempted under the provisions of any special contract with the Government or any law for the time being in force or by special grant of the Government:

Provided that nothing in this Regulation shall be deemed to affect the power of the Government to direct the levy of revenue on all lands under whatever title they may be held whenever and so long as the exigencies of the Government may render such levy necessary.

Liability of alluvial lands to land revenue.

60. All alluvial lands, newly formed islands, or abandoned river-beds which vest under any law for the time being in force in any holder of land, shall be subject in respect of liability to the payment of land revenue to the same privileges, conditions or restrictions as are applicable to the original holding by virtue of which such lands, islands, or river-beds

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so vest in the said holder, but no land revenue shall be leviable in respect of any such lands, islands, or river beds until or unless the area of the same exceeds two-fifths of an hectare and also exceeds one-tenth of the area of the said original holding.

61. Every holder of land paying land revenue in respect thereof shall Assessment of land be entitled, subject to such rules as may be made by the Administrator in revenue this behalf, to a decrease of assessment if any portion thereof not being cases of diluvion. less than one-fifth of an hectare in extent, is lost by diluvion and the holder shall, subject to rules made in this behalf, be liable for payment of land revenue on re-appearance of the land so lost by diluvion not less than one-fifth of an hectare.

62. (1) The land revenue leviable on any land under the provisions of Manner of this Regulation shall be assessed, or shall be deemed to have been assess- assessment ed, as the case may be, with reference to the us of the landtion of

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- (a) for the purpose of agriculture;
- (b) for the purpose of residence;
- (c) for the purpose of industry;
- (d) for the purpose of commerce;
- (e) for any other purpose.

(2) Where land assessed to agriculture is used for non-agricultural purposes or vice versa or being assessed to one non-agricultural use is used for another non-agricultural purpose, then, the assessment fixed under the provisions of this Regulation upon such land shall, notwithstanding that the term for which such assessment may have been fixed has not expired, be liable to be altered and assessed at a rate provided for under this Regulation in accordance with the purpose for which it is used or is permitted to be used.

(3) Where land held free of assessment on condition of being used for any purpose is used at any time for any other purpose, it shall be liable to assessment.

(4) The assessment under sub-sections (2) and (3) shall be made in accordance with the rules made in this behalf.

63. (1) On all lands which are not wholly exempt from the payment Assessment of land revenue and on which the assessment has not been fixed or deemed by whom to to be fixed under the provisions of this Regulation, the assessment of the amount to be paid as land revenue shall, subject to rules'made in this behalf, be fixed by the Collector, for such period not exceeding ninetynine years as he may be authorised to prescribe by the Administrator under his general or special orders made in that behalf, and the amounts due according to such assessment shall be levied on all such lands:

Provided that, in the case of lands partially exempt from land revenue, or the liability of which to payment of land revenue is subject to special conditions or restrictions, regard shall be had in fixing the assessment and levy of land revenue to all rights legally subsisting according to the nature of the said rights:

be fixed.

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Provided further that, where any land which was wholly or partially exempt from payment of land revenue has ceased to be so exempt, it shall be lawful for the Collector to fix the assessment of the amount to be paid as land revenue on such land with effect from the date on which such land ceased to be so exempt or any subsequent date as he may deem fit.

(2) After the expiry of the period for which the assessment of any land is fixed under sub-section (1) the Collector may, from time to time, revise the same in accordance with the rules made in this behalf and the assessment so revised shall be fixed each time for such period not exceeding ninety-nine years as the Administrator may, by general or special order, specify.

(3) Nothing in this section shall be deemed to prevent the Collector from determining and registering the proper full assessment on lands wholly exempt from the payment of land revenue and the assessment so determined and registered shall be leviable as soon as the exemption is withdrawn, and shall for this purpose be deemed to be assessment fixed under this section.

Settlement of assessment to be made with holder.

Rates for

use of

water.

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64. The settlement of the assessment of each portion of land, or survey number, to land revenue shall be made with the person who is primarily responsible to the Government for the same.

65. (1) Subject to such maximum limits as may be fixed by the Administrator, the Collector may levy such rates as he may, from time to time, deem fit for the use by holders and other persons, of water, the right to which vests in the Government.

(2) In fixing the maximum limits under sub-section (1), the Administrator shall have regard to the expenditure that the Government has incurred to provide the facility of supply of water from the source concerned, the benefit derived or to be derived by holders or other persons from the use of such facility and such other factors as he may consider relevant in the circumstances of the case.

(3) The rates levied under this section shall be assessed and collected by the prescribed authority.

(4) The maximum limits under this section may be fixed differently for different kinds of lands and such limits and the rates levied thereunder shall be liable to revision at such periods as the Administrator may, from time to time, determine and such rates shall be recoverable as an arrear of land revenue.

(5) All rates in force and levied immediately before the commencement of this Regulation for the use by holders and other persons of water the rights to which vest in the Government shall be deemed to have been fixed and levied under the provisions of this section.

Fixing of assessment to be l'mited to or inaly and revenue. 66. The fixing of the assessment under the provisions of this Regulation shall be strictly limited to the assessment of the ordinary land revenue, and shall not operate as a bar to the levy of any cess which it shall be lawful for the Administrator to impose under the provisions of any law for the time being in force for purposes of local improvement, such as

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schools, village and district roads, bridges, tanks, wells, accommodation for travellers, and the like, or of any rate for the use of water which may be imposed under the provisions of section 65 or of any law relating to irrigation for the time being in force.

67. (1) Arrears of land revenue due on account, of land by any land-Land reholder shall be a paramount charge on the holding and every part thereof, venue to be failure in payment of which shall make the occupancy together with all charge on rights of the occupant over all trees, crops, buildings and things attached land. to the land or permanently fastened to anything attached to the land, liable to forfeiture; whereupon, the Collector may subject to the provisions of sub-sections (2) and (3) levy all sums in arrears by sale of the occupancy or may otherwise dispose of such occupancy under rules made in this behalf and such occupancy when disposed of, whether by sale as aforesaid, or in any manner other than that provided by sub-sections (2) and (3) shall, unless the Collector otherwise directs, be deemed to be freed from all tenures, rights, encumbrances and equities thereof created in favour of any person other than the Government in respect of such occupancy.

(2) Where any occupancy is forfeited under sub-section (1), the Collector shall take possession thereof and may lease it to the former occupant thereof, or to any other person for a period of one year at a time so however, that the total holding of such occupant or, as the case may be, the other person does not exceed the ceiling area fixed in that behalf under the Dadra and Nagar Haveli Land Reforms Regulation, 1971.

(3) If within three years of the date on which the Collector takes possession of the occupancy under sub-section (2) the former occupant thereof applies for restoration of the occupancy, the Collector may restore the occupancy to the occupant on his paying arrears due from him as land revenue and a penalty equal to three times the assessment and if the occupant fails to get the occupancy restored to him within the period aforesaid, the occupancy or part thereof shall be disposed of by the Collector in the manner provided in sub-section (1).

68. It shall be lawful for the Collector in the event of the forfeiture of Forfeited a holding through any default in payment or other failure occasioning holdings may be such forfeiture under section 67 or any other law for the time being in taken possession of force, to take immediate possession of such holding and to dispose of the and othersame by placing it in the possession of the purchaser or other person wise disentitled to hold it according to the provisions of this Regulation or any posed of. other law for the time being in force.

69. In order to prevent the forfeiture of an occupancy under the provi- To prevent sions of section 67 or of any other law for the time being in force, through forfeiture non-payment of the land revenue due on account thereof by the person certain primarily liable for payment of it, it shall be lawful for any person in- persons terested to pay on behalf of such person all sums due on account of land occupant may pay revenue and the Collector shall on due tender thereof receive the same: land re

Provided that nothing authorised or done under the provisions of this section shall affect the rights of the parties interested as the same may be established in any suit between such parties in a court of competent jurisdiction.

of occupancy other than

venue.

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Receipts.

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70. Every revenue officer and every Talathi receiving payment of land revenue shall, at the time when such payment is received by him, give **a** written receipt for the same.

Penalty for failure to grant receipts. 71. If any person fails to give a receipt as required by section 70, he shall on the application of the payer, be liable by an order of the Collector to pay a penalty not exceeding double the amount paid.

Reduction, suspension or remission of land revenue.

72. Notwithstanding anything contained in this Regulation, the Administrator may, in accordance with the rules or special orders made in this behalf, grant reduction, suspension or remission in whole or in part of land revenue in any area in any year due to failure of crops, flood, or any other natural calamity or for any reason whatsoever.

CHAPTER V

REVENUE SURVEYS

Introduction of revenue survey

73. (1) It shall be lawful for the Administrator whenever it may seem expedient, to direct the survey of any land in any part of the Union territory with a view to assessment or settlement of the land revenue and to the recording and preservation of rights connected therewith, or for any other similar purpose and such survey shall be called a revenue survey. Such survey may extend to the lands of any village or town generally or to such land only as the Administrator may direct, and subject to the orders of the Administrator, it shall be lawful for the officers conducting any such survey to exempt from the survey any land to which it may not seem expedient that such survey should be applied.

(2) The control of every revenue survey shall vest in and be exercised by the Administrator.

Survey officer may require by general notice or by summons suitable service from holders of land, etc.

74. It shall be lawful for a survey officer deputed to conduct or take part in any such survey under section 73 or a survey under section 80 or 81 to require by general notice or by summons the attendance of holders of land and of all persons interested therein, in person, or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluka and village officers, who in their several stations and capacities are legally or by usage bound to perform service by virtue of their respective offices, and to require from them such assistance in the operations of the survey and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

Assistance to be given by holders and 1 others in measurement or classification of lands.

75. It shall be lawful for a survey officer, while conducting surveys mentioned in the preceding section, to call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends by furnishing flag holders, and in the event of a necessity for employing hired labour for this or other similar object incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses on the lands surveyed, for collection as a revenue demand.

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76. (1) Except as hereinafter provided, no survey number comprising Survey land used for purposes of agriculture only shall be made of less extent than numbers not to be of the minimum to be fixed from time to time for the several classes of land less than by the Collector with the sanction of the Administrator and a record of certain exthe minima so fixed shall be kept in the office of the Mamlatdar and shall be open to the inspection of the public at reasonable times.

(2) The provisions of sub-section (1) shall not apply to survey numbers which have already been made of less extent than the minima so fixed, or which may be so made under the authority of the Collector given either generally or in any particular instance in this behalf; and any survey number separately recognised in the land records shall be deemed to have been authorizedly made whatever be its extent.

77. It shall be lawful for the Administrator to direct at any time, a Power of fresh survey or any operation subsidiary thereto:

direct fresh Provided that, where a general classification of the soil of any area has survey and revision of been made a second time, or where any original classification of the soil assessment. of any area has been approved by the Administrator as final, no such classification shall again be made with a view to the revision of the assessment of such area except when the Administrator considers that owing to changes in the condition of the soil of such area or any errors in classification, such re-classification is necessary.

78. The area and assessment of survey numbers and sub-divisions of En try survey numbers shall be entered in such records as may be maintained survey numbers and under the rules made by the Administrator in that behalf. sub-divi-

sions in records.

Administrator to

79. (1) A holding may be partitioned on the decree of a civil court or Partition. on application of co-holders in the manner hereinafter provided.

(2) If in any holding there are more than one co-holder, any such coholder may apply to the Collector for a partition of his share in the holding:

Provided that, where any question as to title is raised, no such partition shall be made until such question has been decided by a civil court.

(3) Subject to the provisions of sub-section (4), the Collector may, after hearing the co-holders, divide the holding and apportion the assessment of the holding in accordance with the rules made by the Administrator in this behalf.

(4) The application under sub-section (2) shall be rejected if the partition applied for results in creating a holding, the area or land revenue of which will be below such limits as may be prescribed.

(5) Expenses properly incurred in making partition of a holding paying revenue to the Government shall be recoverable as a revenue demand in such proportion as the Collector may think fit from the co-holders at whose request the partition is made, or from the persons interested in the partition.

Division of survey numbers into new survey numbers. 80. Notwithstanding anything contained in section 76 where any portion of cultivable land is permitted to be used under the provisions of this Regulation for any non-agricultural purpose or when any portion of land is specially assigned under section 21 or when any assessment is altered or levied on any portion of land under sub-section (2) or subsection (3) of section 62 such portion may, with the sanction of the Collector, be made into a separate survey number at any time.

Division of survey numbers into subdivisions.

81. (1) Survey numbers may from time to time and at any time be divided into so 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 fixing of the assessment of the sub-divisions shall be carried out and from time to time revised, in accordance with the rules made by the Administrator in this behalf:

Provided that the total amount of the assessment of any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under the provisions of this Regulation unless such assessment is liable to alteration under section 62.

(3) The area and assessment of sub-divisions shall be entered in such land records as may be prescribed.

Privilege of title-deeds.

82. When the original survey of any land has been once completed, approved and confirmed, under the authority of the Administrator, no person shall, for the purposes of subsequent surveys of the said land undertaken under the provisions of this Chapter, be compelled to produce his title-deeds to such land or to disclose their contents.

Continuance of survey operations at the commencement of the Regulation.

83. Notwithstanding anything contained in this Chapter, all survey operations commenced under any law for the time being in force or otherwise and continuing at the commencement of this Regulation shall be deemed to have been commenced and to be continuing under the provisions of this Chapter.

CHAPTER VI

ASSESSMENT AND SETTLEMENT OF LAND REVENUE OF AGRICULTURAL LAND

Interpretation. 84. In this Chapter, unless the context otherwise requires,----

(a) "classification value" means the relative valuation of land as recorded in the survey records having regard to its soil, situation, water and other advantages;

(b) "class of land" means any of the following classes of land, namely, warkas, dry crop, paddy or garden land;

(c) "group" means all lands in a zone, which in the opinion of the Administrator or an officer authorised by him in this behalf, are sufficiently homogeneous in respect of matters enumerated in subsection (2) of section 88 to admit of the application to them of the same standard rates for the purpose of assessment of land revenue;

(d) "land of sixteen annas classification" means land having sixteen annas classification value according to the scheme of soil classification sanctioned by the Administrator;

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(e) "settlement" means the result of the operations conducted in a zone to determine the land revenue assessment therein;

(f) "standard rate" means with reference to any particular class of land, the value (not exceeding one twenty-fifth) of the average yield of crops per hectare for that class of land of sixteen annas classification:

(g) "term of settlement" means the period for which the Administrator has declared that a settlement shall remain in force;

(h) "zone" means a local area comprising a village or a group of villages or portions thereof, which in the opinion of the Administrator or an officer authorised by him, in this behalf, is contiguous and homogeneous in respect of-

- (i) physical configuration,
- (ii) climate and rainfall,
- (iii) principal crops grown in the local area, and
- (iv) soil characteristics.

85. (1) Before directing a settlement or fresh settlement of any land Forecast as under section 86, the Administrator shall cause a forecast of the probable ment. results of the settlement to be prepared in accordance with such instructions as may be issued by him for the purpose.

(2) A notice of the intention of the Administrator to make the settlement together with proposals based on the said forecast for the determination or revision of land revenue and the term for which the settlement is to be made shall be published for objections in such manner as the Administrator may determine.

(3) The Administrator shall take into consideration any objections which may be received from the persons concerned, before directing the settlement.

86. Subject to the provisions of section 85, the Administrator may at Administraany time direct a settlement of land revenue of any land (hereinafter tor to direct referred to as an "original settlement"), or a fresh settlement thereof (here- revision inafter referred to as "revision settlement"), whether or not a revenue settlement survey thereof has been made under section 73:

original or of land revenue of any lands.

Provided that no enhancement of assessment shall take effect before the expiration of the settlement for the time being in force.

87. A settlement shall remain in force for a period of thirty years and Term of settlement. on the exprise of such period, the settlement shall continue to remain in force until the commencement of the term of a fresh settlement.

88. (1) The assessment of land revenue on all lands in respect of which Assessment how detera settlement has been directed under section 86 and which are not wholly mined. exempt from the payment of land revenue shall, subject to the limitations contained in the first provise to sub-section (1) of section 63, be determined by dividing the lands to be settled into groups and fixing the standard rates for each group in accordance with the rules made by the Administrator in this behalf.

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(2) The matters specified in clause (a) of this sub-section shall ordinarily be taken into consideration in forming groups, but those specified in clause (b) thereof may also where necessary be taken into consideration for that purpose:—

- (a) (i) physical configuration,
 - (ii) climate and rainfall,
 - (iii) prices, and
 - (*iv*) yield of principal crops;
- (b) (i) markets,
 - (*ii*) communications,
 - (iii) standard of husbandry,
 - (iv) population and supply of labour,

(v) agricultural resources,

- (vi) variations in the area of occupied and cultivated lands during the last thirty years,
 - (vii) wages,

(*viii*) ordinary expenses of cultivating principal crops, including the value of labour in cultivating the land in terms of wages.

(3) The land revenue assessment of individual survey numbers and sub-divisions shall be fixed by the officer making the settlement (hereinafter referred to a_s the Settlement Officer) on the basis of their classification value in the prescribed manner.

89. If any improvements have been effected in any land by or at the expense of the holder thereof, the increase in the average yield of crops of such land due to the said improvements shall not be taken into account in fixing the revised assessment thereof.

average yield due to improv. ments at the expense of holder not to be taken into consideration.

Settlement

Officer how

to proceed for making

settlement.

Increase in

90. In making a settlement, the Settlement Officer shall proceed as follows:—

(1) He shall divide the lands to be settled into groups as provided by section 88.

(2) He shall ascertain in the prescribed manner the average yield of crops of lands for the purposes of the settlement.

(3) He shall then fix standard rates for each class of land in each group on a consideration of the relevant matters as provided in subsection (2) of section 88.

(4) He shall hold an enquiry in the prescribed manner.

(5) He shall submit to the Collector in the prescribed manner a report (hereinafter referred to as the "settlement report"), containing his proposals for the settlement.

91. (1) On submission of a settlement report, the Collector shall cause such report to be published in the prescribed manner.

(2) There shall also be published in each village a notice in English, Gujarati and Marathi stating for each class of land in the village the existing standard rate and the extent of any increase or decrease proposed there is by the Settlement Officer and such notice shall also state

Settlement seport to be published. PART II-

that any person may submit to the Collector his objections in writing to the proposals contained in the settlement report within three months from the date of such notice.

92. After taking into consideration such objections as may have been Submission to Administra received by him, the Collector shall forward to the Administrator the tor of settlement report settlement report with his remarks thereon. with settle-

> ment of objections, and etc Collector's remarks thereon.

93. (1) The settlement report, together with the objections, if any, Orders on settlement received thereon shall be considered by the Administrator who may pass report. such orders thereon as he may deem fit:

Provided that no increase in the standard rate proposed in the settlement report shall be made by the Administrator, unless a fresh notice as provided in section 91 has been published in each village affected by such rates and objections received, if any, have been considered by the Administrator.

(2) The orders passed by the Administrator under this section shall be final and shall not be called in question in any court.

94. (1) The Administrator may at the time of passing orders under Power of section 93 exempt any land from assessment under this Chapter for any tor to advantage or specified kind of advantage accruing to it from water.

(2) The Administrator may at any time during the term of the settleadvantages. ment, after publishing a notice in English, Gujarati and Marathi in the village concerned and after the expiry of a period of six months from the date of the publication of such notice withdraw any exemption granted by him under sub-section (1) and direct that such land shall be assessesd for such advantage.

95. After the Administrator has passed order under section 93 and Introduction notice of the same has been given in the prescribed manner, the settle- ment. ment shall be deemed to have been introduced and the land revenue according to such settlement shall be levied from such date as the Administrator may direct:

Provided that, in the year in course of which a settlement, whether original or revised, is introduced under this section, the difference between the old and the new assessment of all lands on which the latter may be in excess of the former shall be remitted and the revised assessment shall be levied only from the next following year:

Provided further that, in the year next following that in which any original or revised settlement is introduced, any occupant who may be dissatisfied with the increased rate imposed by such new assessment on any of the survey numbers or sub-divisions of survey numbers held by him shall, on relinquishing such number or sub-division in the manner provided by section 53, receive a remission of the increase so imposed.

96. (1) Any person claiming to hold wholly or partially free of land Claims to hold land revenue as against the Government any land shall be bound to prove his free of land retitle thereto to the satisfaction of the Settlement Officer.

venue.

(2) If he so proves his title, the case shall be reported by the Settlement Officer for the orders of the Administrator.

Administraexempt from assessment for water

Assessment of lands wholly exempt from payment of land revenue.

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97. (1) Nothing in this Chapter shall be deemed to prevent the Settlement Officer from determining and registering the proper full assessment of lands wholly exempt from the payment of land revenue.

(2) The assessment so determined and registered shall be leviable as soon as the exemption is withdrawn and shall be deemed for this purpose, to have been fixed under the provisions of this Chapter.

Power of Administrator to direct assessment for water advantages,

Power of

Collector

to correct errors. 98. Notwithstanding anything contained in this Chapter, the Administrator may direct at the time of passing orders under section 93 that any land in respect of which a settlement is made under this Chapter shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements on existing irrigation works completed after the Administrator has directed the settlement under section 86 and not affected by or at the expense of the holder of the land, and only when no rate in respect of such additional advantages is levied under any law relating to irrigation for the time being in force:

Provided that, the Administrator shall, before making such direction, publish a notice in this behalf, in English, Gujarati and Marathi in the village concerned and shall consider the objections, if any received to the proposal contained therein, and no such direction shall be issued until after the expiry of a period of six months from the date of publication of such notice.

99. The Collector may, at any time during the term of settlement after giving notice to the holder, correct any error in the area or assessment of his holding due to mistake of survey or arithmetical miscalculation:

Provided that no arrears of land revenue shall become payable by reason of such correction; but excess payment as land revenue made, if any, shall be adjusted against the payment of land revenue which may become due.

Settlements made and assessment rates fixed before the commencement of the Regulation to be deemed to be made and fixed under this Chapter.

100. Notwithstanding anything contained in this Chapter, all settlements of land revenue of agricultural lands made and all assessment rates fixed with respect thereto before the commencement of this Regulation and continuing in operation at such commencement shall be deemed to have been made and fixed in accordance with the provisions of this Chapter and shall continue to remain in operation until the introduction of revised settlements and revised assessment rates under the provisions of this Regulation and all settlement proceedings conducted before such commencement may be continued under the provisions of this Regulation as if such proceedings had been conducted under this Chapter.

CHAPTER VII

Assessment and settlement of land revenue of lands used for nonagricultural purposes

Interpreta-

101. In this Chapter, unless the context otherwise requires, "full market value" in relation to any land means an amount equal to the market value of that land plus the amount representing the capitalised assessment for the time being in force.

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102. Subject to any exemptions contained in the first proviso to section Non-agricultural assess-63, the non-agricultural assessment of lands shall be determined with ment of reference to the use of the land for non-agricultural purposes and having lands to be determined regard to urban and non-urban areas in which the lands are situated; and on basis of shall be determined and levied in accordance with the provisions of this their non-agricultural Chapter.

use and having re-gard to urban an non-urban areas. for deter-

103. (1) The Collector shall, subject to the approval of the Adminis-Procedure trator by notification in the Official Gazette, divide the villages in non- mining nonurban areas into two classes—Class I and Class II—on the basis of the agricultural assessment market values of lands, due regard being had to the situation of the lands, of lands the non-agricultural purpose for which they are used, and the advantages in non-ur-ban areas and disadvantages attaching thereto.

(2) The Collector shall, subject to the general or special orders of the Administrator, assess lands falling in Class I according to the non-agricultural purpose for which they are used at a rate not exceeding two paise per square metre per year, and those falling in Class II at a rate not exceeding one paisa per square metre per year, regard being had to the market value of lands used for the non-agricultural purpose, so however, that the assessment so fixed is not less than the agricultural assessment which may be leviable on such land.

Procedure 104. The Collector shall divide urban areas into blocks on the basis of for deterthe market value of lands, due regard being had to the situation of the mining nonlands, the non-agricultural purposes for which they are used, and the assessment in utban advantages and disadvantages attaching thereto. areas,

105. The non-agricultural assessment on lands in each block in an Non-agricul urban area shall not exceed three per cent. of the full market value there- ment not to of, when used as a building site.

tural assessexceed three per cent. of full market value.

non-

106. (1) Subject to the provisions of section 105, the Collector shall, Power of with the approval of the Administrator, fix the rate of non-agricultural Collector to fix standard assessment per square metre of land in each block in an urban area (to rate of be called "the standard rate of non-agricultural assessment") at such percentage of the full market value of such land as may be prescribed.

Explanation.—For the purposes of this sub-section, the full market value shall be estimated in the prescribed manner on the basis of sales of land during the period of fifteen years immediately preceding the year in which the standard rate of non-agricultural assessment is to be fixed.

(2) The standard rate of non-agricultural assessment shall remain in force for a period of ten years; and shall thereafter be deemed to be in force, until such rate is revised in accordance with the provisions of this Chapter.

(3) The standard rates of non-agricultural assessment fixed or revised as aforesaid shall be published in the Official Gazette, and in such other manner as may be prescribed before they are brought into force.

107. (1) Subject to the provisions of this section, the rate of assessment Rate of in respect of lands in urban areas-

(a) used for purposes of residential buildings, shall be the standard rate of non-agricultural assessment;

assessment of lands used for non-agricultural purposes.

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(b) used for the purposes of industry, shall be one and one-half times the standard rate of non-agricultural assessment;

(c) used for purposes of commerce, shall be twice the standard rate of non-agricultural assessment;

(d) used for any other non-agricultural purpose,

shall be fixed by the Collector at a rate not less than the standard rate of non-agricultural assessment, and not exceeding one and one-half times that standard rate, regard being had to the situation, and special advantages or disadvantages attaching to such lands.

(2) Where any land is used for any non-agricultural purposes for a period of six months or less, the non-agricultural assessment shall be half of that fixed for land used for that non-agricultural purpose.

(3) Notwithstanding anything contained in this section, the Collector may in respect of any land in a block fix the no-agricultural assessment for that land at a rate not less than seventy-five per cent. of the rate fixed in sub-section (1) but not exceeding by twenty-five per cent. the rate so fixed, for the particular use, regard being had to the situation, and special advantages or disadvantages attaching to such land.

108. The non-agricultural assessment shall be levied with effect from the date on which any land is actually used for a non-agricultural purpose.

109. The non-agricultural assessment fixed according to the provisions of sections 103 and 107 shall remain in force for a period of fifteen years from the date on which the land is actually used for the non-agricultural purpose, or as the case may be, from the date of change of user of the land; and on the expiry of such period, it shall be liable to revision; but till the assessment is revised, the assessment fixed as aforesaid shall continue in force:

Provided that, where non-agricultural assessment in respect of which no guarantee period has been fixed or where guarantee period of any non-agricultural assessment is co-terminus with the period of settlement of agricultural lands, the non-agricultural assessment in such cases may be revised after a period of thirty years from the date on which such nonagricultural assessment was initially fixed:

Provided further that, when the non-agricultural assessment is revised, the revised assessment shall not exceed two times the land revenue payable immediately before the revision, if the land is used for purposes of residential buildings, and shall not exceed six times the land revenue payable immediately before revision, if the land is used for any other non-agricultural purpose.

110. Lands used for the following purposes shall be exempt from the payment of the non-agricultural assessment, namely:—

(1) lands used by an agriculturist for an occupation subsidiary or ancillary to agriculture, such as the erection of sheds for handlooms, popultry farming, or gardening, or such other occupations as the Administrator may specify in rules made in that behalf;

of nonagricultural assessment. Term of assessment fixed under

sections

103 and 107.

Lands exempt

non-agricul-

tural assessment.

1.16

from payment of

Date of

cement

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(2) lands used for purposes connected with the disposal of the dead;

(3) lands solely occupied and used for public worship and which were exempt from payment of land revenue by custom, grant or otherwise before the commencement of this Regulation;

(4) lands used for an educational or a charitable purpose the benefit of which is open to all citizens without distinction of religion, race, caste, place of birth or any of them;

(5) lands used for any other public purpose which the Administrator may by rules made under this Regulation declare to be exempt, for such period subject to such conditions as may be specified therein;

(6) such agricultural lands (outside a gaothan, if any) in a nonurban area converted to non-agricultural use for purposes of residential building as the Administrator may, by notification in the Official Gazette, specify.

111. It shall be lawful for the Administrator to direct that any land Revocation of exempwhich is exempt under the provisions of section 110 from payment of tion. non-agricultural assessment shall cease to be so exempt if the land is used for any purpose other than that for which the exemption is provided; and thereupon the land shall be liable to payment of the assessment according to the provisions of this Chapter, and in addition, to such fine as the Collector may, subject to the general orders of the Administrator direct.

112. Nothing in this Chapter shall be deemed to prevent the Collector Non-agricultural assessfrom determining and registering the proper full non-agricultural assess- ment of ment on lands wholly exempt from payment of such assessment.

lands wholly exempt from payment of land revenue. 113. The non-agricultural assessment fixed on lands and in force in any Non-agripart of the Union territory immediately before the commencement of this cultural Regulation shall be deemed to have been fixed under the provisions of fixed before this Chapter and shall, notwithstanding anything contained in this Chap- commenceuntil altered.

ter, be deemed to continue to remain in force during the whole of the Regulation period for which the assessment was fixed, and thereafter, until such to continue in force assessment is revised under the provisions of this Chapter.

CHAPTER VIII

OF LANDS WITHIN THE SITES OF VILLAGES AND TOWNS

114. The provisions of this Chapter shall apply to all lands situated Application within the site of a village or town. of Chapter,

115. It shall be lawful for the Collector or for a survey officer acting Limits of under the general or special orders of the Administrator, to ascertain and sites of determine what lands are included within the site of any village or town towns how and to fix and from time to time, to vary, the limits of the site determin- to be fixed. ed as aforesaid, regard being had to all subsisting rights of landholders.

116. No land revenue shall be levied--

(a) on lands which are situated within the sites of a village or $\frac{revenue to}{be level i}$ town and which are not used for purposes of agriculture; and

No land be levied in certain cases.

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(b) on lands which are exempted from the payment of assessment immediately before the commencement of this Regulation either under the provisions of any law in force before such commencement or by virtue of any custom, usage, grant, sanad, order or agreement.

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Right to exemption to be determined by Collector.

117. (1) Every claim to exemption under section 116 shall be determined by the Collector after a summary inquiry, and his decision shall, subject to the provisions of sub-section (2), be final.

(2) Any person aggrieved by any order made under sub-section (1) may institute a civil suit to contest the validity of the order within a period of two years from the date of such order.

118. Pardi land not exceeding ten acres, and wada land, used only for an agricultural purpose or a purpose subsidiary or ancillary thereto, shall be exempt from the payment of land revenue:

Provided that in the case of pardi land the holder thereof shall be liable to the payment of non-agricultural assessment or fine, as the case may be, under sections 42, 43 and 62 for alteration of the use for any purpose from agricultural use.

119. If the Administrator shall at any time deem it expedient to direct a survey of lands other than those used ordinarily for the purposes of agriculture only within the site of any village or town under the provisions of section 73 or a fresh survey thereof under the provisions of section 77, such survey shall be conducted, and all its operations shall be regulated, according to the provisions of Chapters V and IX of this **Regulation:**

Provided that nothing contained in section 74, 75 or 126 shall apply to any such survey in any town having a population of more than two thousand.

120. (1) Where a survey is extended under the provisions of section Survey fee 119 to the site of any village or town having a population of more than charged in certain cases. two thousand, each holder of a building site therein shall be liable to the payment of a survey fee assessed on the area and ratable value of such site.

> (2) The amount of survey fee payable under sub-section (1) shall be regulated by the Collector in accordance with the rules made by the Administrator in this behalf.

> (3) The survey fee shall be payable within six months from the date of a public notice to be given in this behalf by the Collector after the completion of the survey of the site of the village or town, or of such part thereof as the notice shall refer to.

121. (1) The results of the operations conducted under section 119 shall Maps of village sites, be recorded in such manner in such maps and registers as may be prescribed.

> (2) If any village panchayat passes a resolution that a map of a village-site should be prepared showing the plots occupied by the holders

Pardi and wada lands exempted from pay-ment of land revenue.

Survey of lands in village sites how to be conducted.

to be

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and that it is willing to contribute to the cost of preparing such maps in such proportion as may be prescribed, the Administrator may undertake the preparation of such maps.

122. (1) Every holder of a building site and every holder of a building Sanad to site newly formed or first used as such, after the completion of a survey without be granted under section 119 shall be entitled, where the holder is required to pay extra charges. survey fee provided therefor to receive from the Collector without extra charge one or more sanads, in the form specified in Schedule C or to the like effect specifying by plan and description the extent and conditions of his holding and where a holder is not required to pay any survey fee, he shall be entitled to receive such sanad or sanads on payment of a fee of one rupee per sanad:

Provided that if such holder does not apply for such sanad or sanads at the time of payment of the survey fee or thereafter within one year from the date of the public notice issued by the Collector under section 120, the Collector may require him to pay an additional fee not exceeding one rupee for each sanad.

(2) Every sanad granted under this section shall be executed on behalf of the Administrator by such person as he may direct or authorise.

123. After a survey has been made under section 119, and after sanads Grant of have been granted under section 122, every holder of a building site whose alteration holding is altered by increase, decrease, sub-division, alteration of tenure of holding. or otherwise shall be entitled, on payment of a correction fee to be fixed by regulations made by the Collector with the sanction of the Administrator for each village or town to receive from the Collector a fresh sanad in the form specified in Schedule C or to the like effect specifying by plan and description the extent and conditions of his altered holding or, as the case may be, to have the sanad already granted to him under section 122 amended by the Collector.

124. If any holder informs the Collector that the sanad granted to him Duplicate has been lost or destroyed by accident, a copy of the sanad granted to sanads may be granted. him under section 122 or 123 may be given to him on payment of such charges or fees, if any, as may be prescribed.

CHAPTER IX

BOUNDARIES AND BOUNDARY MARKS

125. Boundaries of all villages in the Union territory and of all survey Fixation numbers in villages therein shall be fixed and demarcated by boundary and demarmarks.

126. The boundaries of villages shall be fixed, and all disputes relating Determinathereto shall be determined by survey officers, or by such other officers village as may be appointed by the Administrator for the purpose, after holding boundaries. a formal inquiry at which the village officers and all persons interested have an opportunity of appearing and producing evidence.

127. If at the time of a survey, the boundary of a field or holding be Determinaundisputed, and its correctness be affirmed by the village officers then boundaries, present, it may be laid down as pointed out by the holder or person in occupation and, if disputed, or if the said holder or person in occupation

sanad on

boundaries.

tion of field

be not present, it shall be fixed by the survey officer according to the land records and according to occupation as ascertained from the village officers and the holders of adjoining lands, or on such other evidence or information as the survey officer may be able to procure.

Disputes regarding boundaries between villages, survey numbers and subdivisions. 128. If any dispute arises concerning the boundary of a village or a field or a holding which has not been surveyed, or if at any time after the completion of a survey a dispute arises concerning the boundary of any village or survey number or sub-division of a survey number, it shall be decided by the Collector after holding a formal inquiry at which the village officers and all persons interested shall have an opportunity of appearing and producing evidence.

Demarcation 129. (1) The Collector may, on the application of a party interested, of boundaries of survey demarcate the boundaries of a survey number or of a sub-division and number or sub-division.

> (2) The Administrator may make rules for regulating the procedure of the Collector in demarcating the boundaries of a survey number or of a sub-division, prescribing the nature of the boundary marks to be used, and authorising the levy of fees from the holders of land in a demarcated survey number or sub-division.

> (3) Survey numbers and sub-divisions demarcated under the provision of this section shall be deemed to be survey numbers for purposes of sections 125, 128, 132 and 133.

Straightening out crooked boundaries.

130. (1) When any person (in this section referred to as the applicant) desires to regularise or straighten out the boundaries of any of his fields or holdings in a village, he may make an application in that behalf to the survey officer.

(2) Every application made under sub-section (1) shall be accompanied by a sketch showing the boundaries of his field or holding, and the names of holders adjoining thereto.

(3) If on receipt of the application, the survey officer in the interest of better cultivation of the field or holding and easier maintenance of boundary marks, deems it expedient to regularise or straighten out the boundaries of the field or holding as desired by the applicant, he may prepare a plan to revise the boundaries of such field or holding and determine the amount of compensation to be paid by the applicant to persons who would suffer loss of land on account of such revision and publish the same in the village in such manner as may be prescribed.

(4) In revising the boundaries under sub-section (3), the survey officer shall be guided by such rules as may be made by the Administrator in this behalf.

(5) The amount of compensation shall be determined by the survey officer under sub-section (4), so far as practicable in accordance with the provisions of section 23 of the Land Acquisition Act, 1894.

(6) If the applicant and the persons who suffer loss of land agree to the plan prepared and the compensation determined by the survey officer, the survey officer shall record their agreement and revise the boundaries

1 of 1894.

and fix them accordingly and such agreement shall be binding on the applicant and such persons, and the amount of compensation payable by any person thereunder shall be recoverable from him as an arrear of land revenue.

(7) (a) In the absence of mutual agreement, the survey officer shall refer the question of the amount of compensation to be paid or recovered by each person concerned for decision-

(i) to a village committee consisting of such number and elected by the applicant and persons suffering loss of land in such manner as may be prescribed;

(*ii*) on the failure to elect such village committee, to a committee consisting of three persons nominated by the survey officer with the approval of the Collector.

(b) The decision of the village committee or the committee nominated by the survey officer as the case may be, shall be final and binding on all the parties concerned and the amount of compensation payable by the applicant thereunder shall be recoverable from him as an arrear of land revenue and when such decision is given, the plan prepared by the survey officer, so far as it relates to revision of boundaries, shall also become final and the boundaries shall be deemed to be fixed accordingly.

(8) When the boundary is so fixed under this section, it shall be deemed to be a settlement of boundary for the purposes of section 131.

131. (1) The settlement of a boundary under any of the foregoing pro- Effect of visions of this Chapter shall be determinative-

settlement of boun-

(a) of the proper position of the boundary line or boundary dary. marks, and

(b) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain. to their respective holdings.

(2) Where a boundary has been settled as aforesaid, the Collector may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

(3) An order of ejectment under sub-section (2) shall, subject to the provisions of sub-sections (4) and (5), be subject to appeal and revision in accordance with the provisions of this Regulation.

(4) Where any person has been ejected or is about to be ejected from any land under the provisions of sub-section (2), he may, within a period of one year from the date of the ejectment or the settlement of the boundary, institute a civil suit to establish his title thereto:

Provided that the Administrator or the Collector, or any revenue or survey officer as such shall not be made a party to such suit.

(5) Where a civil suit has been instituted under sub-section (4) against any order of ejectment, such order shall not be subject to appeal or revision.

[PART II---

(6) The Collector may at any time make an order for redistribution of land revenue which in his opinion, should be made as a result of the decision of the appeal or revision, or as the case may be, the suit, and such redistribution shall take effect from the beginning of the revenue year following the date of the order.

Construction 132. (1) It shall be lawful for any survey officer authorised by the Collector or Settlement Officer, to specify or cause to be constructed, laid out, maintained or repaired boundary marks and survey marks of villages or survey numbers or sub-divisions of survey numbers, whether cultivated or uncultivated and to assess all charges incurred thereby on the holders or others having an interest therein.

> (2) Such officer may by notice in writing require landholders to construct, lay out, maintain or repair within a specified time, the boundary marks or survey marks of their respective survey numbers or sub-divisions; and on their failure to do so the survey officer shall construct, lay out or repair them and assess all charges incurred thereby as hereinbefore provided.

> (3) The boundary marks and survey marks shall be of such description, and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to rules made by the Administrator in this behalf, be determined by the Collector according to the requirement of soil, climate, durability and cheapness of materials.

> 133. Every landholder shall be responsible for the maintenance and good repair of the boundary marks and survey marks of his holding, and for any charges reasonably incurred on account of the same by the revenue or survey officers in cases of alteration, removal or disrepair and it shall be the duty of the village officers and servants to prevent the destruction or unauthorized alteration of the village boundary marks or survey marks.

Collecter to **134.** When a survey is introduced, the charge of the boundary marks have charge and survey marks shall devolve on the Collector, and it shall be his duty of boundary marks and to take measures for their construction, laying out, maintenance and remarks after pair, and for this purpose the powers conferred on survey officers by secintroduction tion 132 shall vest in him.

Demarcation and maintenance of boundaty marks between holding and village road,

Responsibi-

maintenance of boundary

marks and

lity for

survey marks.

survey

of survey.

135. (1) Unless the boundaries of his land are demarcated and fixed under any of the foregoing provisions of this Chapter, every holder of the land adjoining a village road shall, at his own cost and in the manner prescribed-

(a) demarcate the boundary between his land and village road 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 Collector 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 the cost incurred as an arrear of land revenue,

ani repair of boundary marks of Survey numbers and villages, etc.

(3) In the event of any dispute regarding the demarcation of the bound ary or the maintenance of the boundary marks in proper state of repair the matter shall be decided by the Collector whose decision shall be final.

Explanation.—Village road for the purposes of this section means a road which has been recorded in the record of rights or village maps.

136. (1) The Mamlatdar may inquire into and decide claims by persons Right of holding land in a survey number to a right of way over the boundaries of way, over boundaries. other survey numbers.

(2) In deciding such claims, the Mamlatdar shall have regard to the needs of cultivators for reasonable access to their fields.

(3) The Mamlatdar's decision under this section shall, subject to the provisions of sub-sections (4) and (5), be subject to appeal and revision in accordance with the provisions of this Regulation.

(4) Any person who is aggrieved by a decision of the Mamlatdar under this section may, within a period of one year from the date of such decision, institute a civil suit to have it set aside or modified.

(5) Where a civil suit has been instituted under sub-section (4) against the Mamlatdar's decision, such decision shall not be subject to appeal or revision.

137. As soon as possible after a final town-planning scheme or improve- Demarcation ment scheme has come into force in any area under any law in force it of boundar-ies in areas shall be the duty of the Collector to alter the boundaries fixed and de- under town marcated under the provisions of this Chapter, so as to accord with the planning plots, reconstituted or laid out under such scheme; and for that purpose, improvement he may cause to be erected, constructed and laid out boundary marks of scheme. such plots and thereupon, the provisions of this Chapter for the recoveries of charges shall apply to each plot as they apply in relation to the construction, maintenance and repair of boundary marks.

138. Any person who after a summary inquiry before the Collector, Penalty for or before a survey officer or Mamlatdar is proved to have wilfully erased, injuring boundary removed or injured a boundary mark or survey mark shall be liable to a marks. fine not exceeding one hundred rupees for each mark so erased, removed or injured.

139. The Administrator may, by notification in the Official Gazette, Power to declare that all or any of the provisions of this Chapter shall not apply operation of this Chapto any village or class of villages.

ter.

CHAPTER X

LAND RECORDS

A .- Record of rights

140. The Administrator may, by notification in the Official Gazette, Exemption direct that the provisions of sections 141 to 152 (both inclusive) on any from provipart thereof, shall not be in force in any specified local area, or with sections 14r reference to any class of villages or lands, or generally.

to 132,

Record of

Righte.

Acquisition

141. A record of rights shall be maintained in every village and suck record shall include the following particulars, namely:----

(a) the names of all persons (other than tenants) who are holders, occupants, owners or mortgagees of the land;

(b) the names of all persons who are holding as Government lessees or tenants including tenants within the meaning of the Dadra and Nagar Haveli Land Reforms Regulation, 1971.

(c) the nature and extent of the respective interests of such persons and the conditions or liabilities, if any, attaching thereto;

(d) the rent or revenue, if any, payable by or to any of such persons;

(e) such other particulars as the Administrator may prescribe by rules made in this behalf, either generally or for purposes of any area specified therein.

142. Any person acquiring by succession, survivorship, inheritance, of rights to be reported partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord, Government lessee or tenant of any land, shall report orally or in writing his acquisition of such right to the Talathi within three months from the date of such acquisition, and the Talathi shall at once give a written acknowledgement of the receipt of such report to the person making it:

> Provided that, where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the Talathi.

> Provided further that, where a person claims to have acquired a right with the permission of the Collector where such permission is required under the provisions of this Regulation or the rules made thereunder or any other law for the time being in force, such person shall, on being required by the Talathi so to do, produce such evidence of the order by which such permission is given as may be required by rules made under this Regulation.

Explanation I.—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882. 4 of 1882.

Explanation II.- A person in whose favour a mortgage is discharged or extinguished, or lease determined, acquires a right within the meaning of this section.

Explanation III.—For the purpose of this Chapter the term "Talathi" includes any person appointed by the Collector to perform the duties of a Talathi under this Chapter.

143. (1) The Talathi shall enter in a register of mutations every report made to him under section 142 or any intimation of acquisition or transfer received under section 147 or from the Collector.

(2) Whenever a Talathi makes an entry in the register of mutations he shall at the same time post up a complete copy of the entry in a couspicuous place in the chavdi, and shall give written intimation to all

Register of mutations and register of disputed cases.

persons appearing from the record of rights or register of mutations to be interested in the mutation, and to any other persons whom he has reason to believe to be interested therein.

(3) When any objection to any entry made under sub-section (1) in the register of mutations is made either orally or in writing to the Talathi, it shall be the duty of the Talathi to enter the particulars of the objection in a register of disputed cases and the Talathi shall at once give a written acknowledgement for the objection to the person making it in the prescribed form.

(4) Disputes entered in the register of disputed cases shall as far as possible be disposed of within one year by a revenue or survey officer not below the rank of an Aval Karkun and orders disposing of objections entered in such register shall be recorded in the register of mutations by such officer in such manner as may be prescribed by rules made by the Administrator in this behalf.

(5) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the Administrator in this behalf:

Provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

(6) Entries in the register of mutations shall be tested and if found correct, or after correction, as the case may be, shall be certified by any revenue or survey officer not below the rank of an Aval Karkun in such manner as may be prescribed:

Provided that no such entries shall be certified unless notice in that behalf is served on the parties concerned.

(7) The Administrator may direct that a register of tenancies shall be maintained in such manner and in accordance with such procedure as may be prescribed.

144. (1) Any person whose rights, interests or liabilities are required Obligation to be, or have been, entered in any record or register under this Chapter information; shall be bound, on the requisition of any revenue officer or Talathi engaged obligation in compiling or revising the record or register, to furnish or produce entries from for his inspection, within one month from the date of such requisition, record of all such information or documents needed for the correct compilation or to holder or revision thereof as may be within his knowledge or in his possession or power.

to furnish rights, etc. tenant in booklet form and to maintain

(2) A revenue officer or a Talathi to whom any information is fur-booklet, etc. nished or before whom any document is produced in accordance with the requisition under sub-section (1), shall at once 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 and may return the same immediately after keeping a copy of it, if necessary.

(3) Every holder of agricultural land (including a tenant if he is liable to pay land revenue therefor), on making an application in that behalf in writing, may be supplied by the Talathi with a booklet containing a copy of the record of rights pertaining to such land.

(4) The booklet shall also contain information regarding the payment of land revenue in respect of land and other Government dues by the holder or, as the case may be, the tenant and also information as respects the cultivation of his land and the areas of crops sown in it as shown in the village accounts and such other matters as may be prescribed.

(5) Every such booklet shall be prepared, issued and maintained in accordance with the rules made by the Administrator in that behalf and such rules 'may provide for fees to be charged for preparing, issuing and maintaining the booklet.

Fine for neglect to afford information. <u>5</u>40

145. Any person neglecting to make the report required by section 142 or furnish the information or produce the documents required by section 144 within the period specified in that section shall be liable, at the discretion of the Collector, to be charged a fine not exceeding five rupees, which shall be recoverable as an arrear of land revenue.

Requisition of assistance in preparation of maps. 146. Subject to rules made in this behalf by the Administrator—

(a) any revenue officer or a *Talathi* may for the purpose of preparing or revising any map or plan required for, or in connection with, any record or register under this Chapter exercise any of the powers of a survey officer under sections 74 and 75 except the power of assessing the cost of hired labour under section 75; and

(b) any revenue officer of a rank not lower than that of an Assistant or Deputy Collector or of a survey officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses, including the cost of clerical labour and supervision, on the lands to which such maps or plans relate and such costs shall be recoverable as an arrear of land revenue.

Intimation of transfers by registering officer, 147. When any document purporting to create, assign or extinguish any title to, or any charge on, land used for agricultural purposes, or in respect of which a record of rights has been prepared is registered under the Registration Act, 1908, the officer registering the document shall 16 of 1908. send intimation to the *Talathi* of the village in which the land is situate and to the Mamlatdar, in such form and at such times as may be prescribed.

Correction of clerical errors. 148. The Collector 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 or registers maintained under this Chapter or which a revenue officer may notice during the course of his inspection:

Provided that, when any error is noticed by a revenue officer during the course of his inspection, no such error shall be corrected unless a notice has been given to the parties and objections, if any, have been disposed of finally in accordance with the procedure relating to disputed entries.

Land re-

149. In addition to the map, the registers and the record of rights, there shall be prepared for each village such other land records as may be prescribed.

[PART II---

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

150. An entry in the record of rights, and a certified entry in the Presumption of correctregister of mutations shall be presumed to be true until the contrary is ness of enproved or a new entry is lawfully substituted therefor.

rights and register of mutations.

151. No suit shall lie against the Government or any officer of Govern-^{Bar} of suits. ment in respect of a claim to have an entry made in any record or register that is maintained under this Chapter or to have any such entry omitted or amended.

152. Until the record of rights for any area in the Union territory is Record of rights at the prepared in accordance with the provisions of this Chapter, the existing commerce-record of rights in force in that area shall be deemed to be the record of ment of Regulation. rights prepared under this Chapter.

B.—Rights in unoccupied land

153. The provisions of sections 154 to 160 (both inclusive) shall apply Application to those areas in the Union territory to which provisions corresponding of provision thereto applied immediately before the commencement of this Regula- 154 to 160. tion; but the Administrator may, by notification in the Official Gazette, apply the sections aforesaid to such other areas in the Union territory as may be specified in the notification.

154. (1) The Collector shall consistently with the provisions of this $_{rak.}^{Nistar Pat-}$ Regulation and the rules made thereunder, prepare a Nistar Patrak embodying a scheme of management of all unoccupied land in a village and all matters incidental thereto, and more particularly the matters specified in section 155.

(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 manner determined by the Collector, it shall be finalized by the Collector.

(3) On a request being made by the village panchayat, or where there is no village panchayat, on the application of not less than one-fourth of the adult residents of a village, the Collector may, at any time, modify any entry in the Nistar Patrak after such enquiry as he deems fit.

be provided for in Nistar Patrak.

(a) the terms and conditions on which grazing of cattle in the village will 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, sand, earth clay, stones or any other minor mineral;

(c) the instructions regulating generally the grazing of cattle and the removal of articles mentioned in clause (b);

(d) any other matter required to be recorded in the Nister Patrak by or under this Regulation.

4. Dates. hy Reg. 4 of 1973 Lite

THE GAZETTE OF INDIA EXTRAORDINARY

Provision in Nistar Patrak for certain matters. 542

156. In preparing a Nistar Patrak the Collector shall, as far as possible, make provision for—

(α) free grazing of the cattle used for agriculture;

(b) removal free of charge by the residents of the village for their bona fide domestic consumption of any-

(*i*) forest product;

(ii) minor minerals;

(c) the concessions to be granted to the village craftsmen for the removal of articles specified in clause (b) for the purpose of their craft.

Right in waste land of another village

157. (1) Where the Collector is of the opinion that waste land of any village is insufficient and it is in the public interest to proceed under this section, he may after such enquiry as he deems fit, order that the residents of the village shall have a right of *Nistar* or a right of grazing cattle, as the case may be, in the neighbouring village to the extent specified in the order.

(2) The residents of a village having a right of grazing cattle in the neighbouring village under sub-section (1), or Government forest many make an application to the Collector for recording their right of passage for the purpose of exercising the rights.

(3) If, on enquiry into an application made under sub-section (2), the Collector finds that the right of passage is reasonably necessary to enable such residents to exercise a right to graze their cattle in any other village or in a Government forest, he shall pass an order declaring that such right of passage exists and shall state the conditions upon which it shall be exercised.

(4) The Collector shall, thereupon, determine the route of passage through unoccupied land and shall restrict such route in such manner as to cause minimum inconvenience to the residents of the village through which it passes.

(5) The Collector may, if he thinks fit, demarcate such route.

(6) Every order passed by the Collector under this section shall be recorded in the Nistar Patrak.

Wajib-urarz. 158. (1) As soon as may after the commencement of this Regulation, the Collector shall, according to any general or special orders made by the Administrator in that behalf, ascertain and record the customs in each village in regard to—

(a) the right to irrigation or right of way or other easements,

(b) the right to fishing.

in any land or water not belonging to or controlled or managed by the Government or a local authority, and such records shall be known as the *Wajib-ur-arz* of the village.

(2) The record made in pursuance of sub-section (1) shall be published by the Collector in such manner as he may deem fit and it shall, subject to the decision of a civil court in a suit instituted under subsection (3), be final and conclusive.

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Sec. 1] THE GAZETTE OF INDIA EXTRAORDINARY

(3) Any person aggrieved by any entry made in such record may, within one year from the date of the publication of such record under subsection (2), institute a suit in a civil court to have such entry cancelled or modified.

(4) The Collector may, on the application of any person interested therein or on his own motion, modify any entry or insert any new entry in the Wajib-ul-arz on any of the following grounds:----

(a) that, all persons interested in such entry wish to have it modified; or

(b) that, by a decree in a civil suit, it has been declared to be erroneous; or

(c) that, being founded on a decree or order of a civil court or on the order of a revenue officer, it is not in accordance with such decree or order; or

(d) that, being so founded, such decree or order has subsequently been varied on appeal, revision or review; or

(e) that, the civil court has by a decree determined any custom existing in the village.

159. (1) The Administrator may make rules for regulating-

(a) fishing in Government tanks;

(b) the removal of any materials from lands belonging to the Government.

(2) Such rules may provide for the issue of permits, the conditions attaching to such permits and the imposition of fees therefor and other incidental matters.

160. (1) Except as otherwise provided in this Regulation, any person Punishment who acts in contravention of the provisions in sections 154 to 159 or the vention of rules made under section 159 or who contravenes or fails to observe any certain rules or custom entered in the Wajib-ul-arz or commits a breach of any entry entered in the Nistar Patrak shall be liable to such penalty not exceeding rupees one thousand as the Collector may, after giving such person an opportunity to be heard, deem fit; and the Collector may further order confiscation of any produce, or any other produce which such person may have appropriated or removed from lands belonging to Government.

(2) Where the Collector 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 meeting the cost of such measures as may be necessary to prevent loss or injury to the public owing to such contravention, breach or non-observance.

CHAPTER XI

REALISATION OF LAND REVENUE AND OTHER REVENUE DEMANDS

161. (1) Every occupant or lessee of Government, as the case Liability for may be, shall be primarily liable to the Government for the payment of land nue. land revenue, including all arrears of land revenue, due in respect of the land held by him. Joint occupants and joint holders who are primarily liable under this section shall be jointly and severally liable.

for contraprovisions.

Regulation

of fishing, hunting, etc.

(2) In the case of default of any person who is primarily liable under this section, the land revenue, including the arrears as aforesaid, shall be recoverable from any person in possession of the land:

Provided that, where such person is a tenant, the amount recoverable from him shall not exceed the amount of land revenue relatable to the period of his tenancy:

Provided further that, when land revenue is recovered under this section from any person who is not primarily liable for the same, such person shall be allowed credit for any payments which he may have duly made to the person who is primarily liable, and shall be entitled to credit, for the amount recovered from him, in account with the person who is primarily liable.

162. (1) The arrears of land revenue due on account of land shall be a paramount charge on the land and on every part thereof and shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment-decree, execution or attachment, or otherwise howsoever, against any land or the holder thereof.

(2) The claim of the Government to any monies other than arrears of land revenue, but recoverable as a revenue demand under the provisions of this Chapter, shall have priority over all unsecured claims against any land or the holder thereof.

163. (1) The land revenue payable on account of a revenue year shall revenue fails fall due on the first day of that year, but payment will be required only on the dates to be fixed as provided under sub-section (2).

> (2) The Administrator may make rules providing for the payment of land revenue in instalments and on dates (hereinafter referred to as the "prescribed dates") subsequent to the first day of the revenue year, and such rules may prescribe the persons to whom and the places whereat such instalments shall be paid.

> (3) The payment of land revenue to the person prescribed under subsection (2) may be made in cash or may, at the cost of the remitter, be remitted by money order.

> (4) Any period intervening between the first day of the revenue year and any date fixed for the payment of land revenue by such rules shall be deemed to be a period of grace, and shall not affect the provisions of subsection (1).

164. Any land revenue due and not paid on or before the prescribed dates becomes therefrom an arrear, and the persons responsible for it under the provisions of section 161 or otherwise becomes defaulters.

165. If any instalment of land revenue or any part thereof is not paid within one month after the prescribed date, the Collector may in the case of a wilful defaulter impose a penalty not exceeding twenty-five per cent. of the amount not so paid:

Provided that, no such penalty shall be imposed for non-payment of any instalment, the payment of which is suspended by the order of the

Claims of Government to have precedence over all others.

Dates on which land due and is payable.

"Arrear" "defaulter".

Penalty for default of payment of land revenue.

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Administrator, in respect of the period during which the payment remained suspended.

166. A statement of account, certified by the Collector or by an Assis- Certified tant or Deputy Collector or by the Mamlatdar shall, for the purposes of be evidence this Chapter, be conclusive evidence of the existence of the arrear of the as to arrears. amount of land revenue due, and of the person who is the defaulter.

167. An arrear of land revenue may be recovered by any one or more Process of recovery of of the following processes, that is to say,arrears.

(a) by serving a written notice of demand on the defaulter under section 169;

(b) by forfeiture of the occupancy in respect of which the arrear is due under section 170;

(c) by distraint and sale of the defaulter's movable property under section 171;

(d) by attachment and sale of the defaulter's immovable property under section 172;

(e) by attachment of the defaulter's immovable property under section 173;

(f) by arrest and imprisonment of the defaulter under sections 174 and 175:

Provided that, the processes specified in clauses (c), (d) and (e) 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 the 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 an implement driven by mechanical power and such cattle and seed as may, in the opinion of the Collector, be necessary to enable him to earn his livelihood as such and also such portion of the agricultural produce as in the opinion of the Collector is necessary for the purpose of providing, until the next harvest, for the due cultivation of the land and for the support of the holder and his family;

(iii) articles set aside exclusively for the use of religious endowments;

(iv) houses and other buildings (with the materials and sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him.

168. The processes referred to in section 167 may be employed for the Revenue recovery of arrears of former years as well as of the current year.

demands of former years how re coverable

169. (1) A notice of demand may be issued on or after the day follow- when notice ing that on which the arrear accrues.

of demand may issue.

(2) The Collector may from time to time, make orders for the issue of such notices, and with the sanction of the Administrator shall fix. the

costs recoverable from the defaulter as an arrear of revenue, and direct by whom such notices shall be issued.

170. The Collector may declare the occupancy in respect of which an arrear of land revenue is due, to be forfeited to the Government, and subject to rules made in this behalf, sell or otherwise dispose of the same under the provisions of section 67 or 68 and credit the proceeds, if any, to the defaulters' accounts:

Provided that, the Collector shall not declare any such occupancy to be forfeited,—

(a) unless previously thereto he shall have issued a proclamation and written notices of the intended declaration in the manner provided by sections 177 and 178 for sales of immovable property, and

(b) until after the expiration of at least fifteen days from the latest date on which any of the said notices shall have been affixed as required by section 178.

171. (1) The Collector may also cause the defaulter's movable property to be distrained and sold.

(2) Such distraints shall be made by such officers or class of officers as the Collector under the orders of the Administrator may, from time to time, direct.

172. The Collector may also cause the right, title and interest of the defaulter in any immovable property other than the land on which the arrear is due to be attached and sold.

Power to attach defaulter's immovable property and take it under management.

173. (1) If the Collector deems it inexpedient to adopt any of the processes specified in the foregoing provisions for recovery of arrears, he may cause the immovable property of a defaulter to be attached and taken under the management of himself or any agent whom he may appoint for that purpose.

(2) The Collector or the agent so appointed shall be entitled to manage the lands attached and to receive all rents and profits accruing therefrom until the Collector restores the defaulter to the management thereof.

(3) All surplus profits of the land attached, beyond the cost of such attachment and management, including the payment of the current land revenue, shall apply in defraying the arrears due in respect of such lands.

(4) The land so attached shall be released from attachment and restored to the defaulter on his making an application to the Collector for that purpose at any time within twelve years from the date of attachment,—

(a) if at the time that such application is made it appears that the arrear has been liquidated; or

(b) if the defaulter is willing to pay the balance, if any, still due by him, and shall do so within such period as the Collector may specify in that behalf.

Occupancy for which arrear is due may be forfeited.

Distraint and sale of

defaulter's movable

property.

Sale of defaulter's

immovable

property.

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(5) If no application be made for the restoration of the land within twelve years, or if, after such application has been made, the defaulter fails to pay the balance, if any, still due by him within the period specified by the Collector in this behalf, the Collector may sell the right, title and interest of the dafaulter in the land without prejudice to the encumbrances created prior to the attachment of the land; and shall make over the sale proceeds to the defaulter after deducting therefrom the sum due to the Government and expenses of the sale.

174. (1) At any time after any arrear becomes due, the defaulter (not Arrest and being an agriculturist from whom such arrear in respect of his occupancy detention of is due) may be arrested and detained in custody for ten days in the office of the Collector or of the *Mamlatdar* unless the revenue due together with the penalty or interest and the cost of arrest and of notice of demand and the cost of his subsistence during detention is sooner paid:

Provided that, no such arrest shall be made unless the default is wilful and the defaulter is given an opportunity to show cause against his arrest and detention.

(2) If, on the expiry of ten days the amount due by the defaulter is not paid then, or if the Collector deems fit on any earlier day, he may be sent by the Collector with a warrant, in the form specified in Schedule A, for imprisonment in the civil jail:

Provided that, no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of a civil court for a debt equal in amount to the arrear of revenue due by such defaulter.

175. The Administrator may, from time to time, direct by whom the Power to powers of arrest conferred by section 174 may be exercised, and also fix arrest by the costs of arrest and the expenditure to be incurred by the Government exercised. towards the subsistence of any defaulter under detention or imprisonment.

176. (1) Any defaulter detained in custody, or imprisoned, shall forth-^{Stay} of prowith be set at liberty and the execution of any process shall, at any time, ^{Stay} on ^{Cesses} on be stayed, on the defaulter's giving before the Collector or other person ^{ing} given. nominated by him for the purpose, or if the defaulter is in jail, before the officer in charge of the jail, security in the form specified in Schedule B to the satisfaction of the Collector or such other person or officer.

(2) Any person against whom proceedings are taken under this Chapter may pay the amount claimed under protest to the officer taking such proceedings, and upon such payment, the proceedings shall be stayed.

177. When any sale of either movable or immovable property is ordered under the provisions of this Chapter, the Collector shall issue a proclain effecting sales. mation in the prescribed form with its translation in English, Gujarati and Marathi of the intended sale, specifying the time and place of sale, and in the case of movable property whether the sale is subject to confirmation or not and when land paying revenue to the Government is to be sold, the revenue assessed upon it, together with any other particulars he may think necessary.

Notification of sales.

178. (1) A written notice of the intended sale of immovable property. and of the time and place thereof, shall be affixed in each of the following places, namely:--

(a) the office of the Collector,

(b) the office of the Mamlatdar,

(c) the chavdi, or some other public building in the village in which it is situate, and

(d) the defaulter's dwelling place.

(2) In the case of movable property, the written notice shall be affixed in the Mamlatdar's office, and in the chavdi, or some other public building in the village in which such property was seized.

(3) The Collector may also cause notice of any sale, whether of movable or immovable property, to be published in any other manner that he may deem fit.

(4) A notice referred to in this section shall be in such form as may be prescribed.

179. (1) Sales shall be made by auction by such persons as the Collecwhom to be tor may direct.

> (2) No sale shall take place on a Sunday or other general holiday recognised by the Government, nor until after the expiration of at least thirty days in the case of immovable property, or seven days in the case of movable property, from the latest date on which any of the said notices shall have been affixed as required by section 178.

Postponement of

Sale by

made; time of sale,

etc.

180. The sale may, from time to time, be postponed for any sufficient reason:

Provided that, when the sale is postponed for a period longer than thirty days, a fresh proclamation and notice shall be issued unless the defaulter consents to waive it.

181. Nothing in sections 177, 178, 179 and 180 shall apply to the sale of perishable articles and such articles shall be sold by auction with the least possible delay, in accordance with such orders as may, from time to time, be made by the Collector either generally or specially in that behalf.

stayed.

182. If the defaulter or any person on his behalf, pays the arrear in respect of which the property is to be sold and all other charges legally due by him at any time before the property is knocked down, to the person prescribed under section 163 to receive payment of the land revenue due, or to the officer appointed to conduct the sale or if he furnishes security under section 176, the sale shall be stayed.

183. (1) Sales of perishable articles shall be at once finally concluded by the officer conducting such sales. All other sales of movable property shall be finally concluded by the officer conducting such sales or shall be subject to confirmation, as may be directed in orders to be made by the Collector either generally or specially in that behalf.

(2) In the case of sales made subject to confirmation, the Collector shall direct by whom such sales may be confirmed.

sale.

Sale of perishable articles.

When sale may be

Sales of movable property when liable to confirmation.

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184. (1) When a sale is finally concluded by the officer conducting the Mode of same, the price of every lot shall be paid for at the time of sale, or as movable soon after as the said officer shall direct, and in default of such payment, when sai the property shall forthwith be again put up and sold.

(2) On payment of the purchase money, the officer holding the sale shall grant a receipt for the same, and the sale shall after seven days from the date of sale become absolute as against all persons whomsoever, unless it is set aside under section 191.

185. (1) When sale is subject to confirmation, the party who is declared Mode of to be the purchaser shall be required to deposit immediately twenty-five when sale is per centum of the amount of his bid, and in default of such deposit, the subject to confirmaproperty shall forthwith be again put up and sold. tion.

(2) The full amount of purchase-money shall be paid by the purchaser before the sunset of the third day after he is informed of the sale having been confirmed, or if the said third day be a Sunday or other authorised holiday, then, before sunset of the first office day after such day and on payment of such amount the purchaser shall be granted a receipt for the same, and the sale shall become absolute as against all persons whomsoever after the expiry of a period of seven days after the date of sale if no application is made under section 191, or if made, after it is rejected.

186. In all cases of sale of immovable property, the party who is de- Deposit by clared to be the purchaser shall be required to deposit immediately case of sale twenty-five per centum of the amount of his bid, and in default of such of immodeposit, the property shall forthwith be again put up and sold.

187. The full amount of purchase-money shall be paid by the purchaser Purchasebefore the expiration of two months from the date on which the sale of to be paid. the immovable property took place or before the expiration of fifteen days from the date on which the intimation of confirmation of the sale is received by the purchaser, whichever is earlier:

Provided that, if the last date on which the purchase-money is to be paid happens to be a Sunday or other authorised holiday, then, the payment shall be made before the sunset of the first office day after such date.

188. In default of payment within the prescribed period of the full Effect of default. amount of purchase-money, whether of movable or immovable property, the deposit after defraying thereout the expenses of the sale, shall be forfeited to the Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may be subsequently sold.

189. If the proceeds of the sale, which is eventually made, be less than Liability of purchaser the price bid by such defaulting purchaser, the difference shall be re- for loss coverable from him by the Collector as an arrear of land revenue. by re-sale.

190. Every re-sale of property in default of payment of the purchase- Notification before remoney shall, except when such re-sale takes place forthwith, be made sale. after the issue of a fresh notice in the manner prescribed for original sale.

purchaser in property.

when sale is concluded at once.

payment for

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PART II-

Setting aside sales of movables.

Application

to set aside sale of im-

movables.

191. Sales of movables, except perishable articles, may be set aside on the ground of some material irregularity or mistake in publishing or conducting it if a person (on application made within seven days from the date of sale) proves to the satisfaction of the Collector that he has sustained substantial injury by reason thereof.

192. (1) At any time within thirty days from the date of sale of immovable property an application may be made to the Collector to set aside the sale on the ground of some material irregularity or mistake or fraud, in publishing or conducting it; but, except as is otherwise provided in sections 193, 194 and 195, no sale shall be set aside on the ground of any such irregularity or mistake or fraud, unless the applicant proves to the satisfaction of the Collector that he has sustained substantial injury, by reason thereof.

(2) If the application be allowed, the Collector shall set aside the sale, and direct, a fresh one.

Order confirming or setting aside sale.

193. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in section 192 has been made, or if such application has been made and rejected, the Collector shall make an order confirming the sale:

Provided that, if he has reason to think that the sale ought to be set aside notwithstanding that no such application has been made, or on grounds other than those alleged in any application which has been rejected, he may, after recording his reasons in writing, set aside the sale.

Purchaser may apply 10 set aside sale under certain circumstances.

194. Except in a case, where land has been sold for arrears which form a charge on the land, the purchaser may, at any time within thirty days from the date of sale, apply to the Collector to set aside the sale on the ground that the defaulter had no saleable interest in the property sold: and the Collector shall, after due enquiry, pass such orders on such application as he deems fit.

Application to set aside sale by person owning or holding interest in property.

195. (1) Where immovable property has been sold under this Chapter. any person either owning such property or holding an interest therein by virtue of a title acquired before such sale may, at any time within thirty days from the date of sale, apply to the Collector to have the sale set aside on his depositing—

(a) for payment to the purchaser a sum equal to five per centum of the purchase-money;

(b) for payment on account of the arrear, the amounts specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which may have been paid since the date of sale on that account; and

(c) the cost of the sale.

(2) If such deposit is made within thirty days from the date of sale. the Collector shall pass an order setting aside the sale.

196. Whenever the sale of any property is not confirmed, or is set Refund of deposit or aside, the purchaser shall be entitled to receive back his deposit or his purchasepurchase-money, as the case may be, and the sum equal to five per centum money when sale set of the purchase-money deposited under clause (a) of sub-section (1) of aside. section 195.

197. After a sale of any occupancy has been confirmed in the manner On confirmaaforesaid, the Collector shall put the person declared to be the purchaser to into possession of the land and shall cause his name to be entered in the be put in land records as occupant or holder in lieu of that of the defaulter and Certificate shall grant him a certificate to the effect that he has purchased the land to of purchase. which the certificate refers.

198. The certificate shall state the name of the person declared at the Bar of suit time of sale to be the actual purchaser; and any suit brought in a civil against court against the certified purchaser on the ground that the purchase was purchaser. made on behalf of another person, though by agreement the name of the certified purchaser was used, shall be dismissed.

199. (1) When any sale of movable property under this Chapter has Application become absolute, and when any sale of immovable property has been of proceeds confirmed, the proceeds of the sale shall be applied to defraying the expenses of the sale and to the payment of any arrears due by the defaulter at the date of the confirmation of such sale, and recoverable as an arrear of land revenue and any other sum recoverable from the defaulter as an arrear of land revenue and notified to the Collector before the confirmation of such sale, and the surplus, if any, shall be paid to the person whose property has been sold.

(2) The expenses of sale shall be estimated at such rates and according to such orders as may, from time to time, be sanctioned by the Collector under the orders of the Administrator.

200. The surplus referred to in sub-section (1) of section 199 shall not, Surplus not except under an order of a civil court, be payable to any creditor of the to creditors person whose property has been sold.

except under order of court.

201. Notwithstanding anything contained in section 161, the person Certified named in the certificate of title as purchaser shall not be liable for land purchaser liable only revenue due in respect of the land for any period previous to the date for land revenue of the sale.

202. Where immovable property is sold under the provisions of this Purchaser's Chapter and such sale has been confirmed, the property shall be deemed ^{title.} to have vested in the purchaser on the date when the property is sold and not on the date when the sale was confirmed.

203. (1) If any claim is set up by a third person to the property attached Claims to or proceeded against under the provisions of this Regulation, the Collector attached may on a formal inquiry held after reasonable notice, admit or reject it. how to be

(2) The person against whom an order is made under sub-section (1) may, within one year from the date of the order, institute a suit to establish the right which he claims to the property attached or proceeded 8-84 M of Law

tion of sale.

certified

of sale,

subsequently due.

disposed of.

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against; but subject to the result of such suit, if any, the order shall be conclusive.

Bar of revenue officer to bid, etc., at sale.

204. Except as provided in section 205 no officer or other person having any duty to perform in connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.

Purchase on, nominal bid.

205. Where at any sale held under the provisions of this Chapter, there is no bidder or the bids made are inadequate or nominal, it shall be lawful for the Collector to authorise any of his subordinates to purchase the property on behalf of the Government for such bid as such subordinate may make:

Provided that, if the property so purchased is subsequently sold by the Government within twelve years of the purchase, the following amounts shall be recovered from the sale proceeds and the surplus, if any, shall be paid to the person whose property has been sold, namely:—

(a) dues, that is, the principal outstandings with interest;

(b) loss of revenue, if any, caused to the Government during the period the land remains with the Government and no person takes it on lease or otherwise;

(c) actual expenditure incurred in the auction sale;

(d) penalty equal to one-fourth of the principal:

Provided further that, if the property is not subsequently sold as aforesaid, it may be returned or granted on the tenure on which he held it immediately before its purchase by Government, as the case may be, to the defaulter on his paying the amounts specified in the first proviso, at any time within a period of twelve years from the date of purchase on behalf of the Government.

206. (1) (a) All sums due on account of land revenue, rent, quit-rents, *nazranas*, succession duties, transfer duties and forfeitures, cesses, profits from land, emoluments, fees, charges, fines, penalties, water rates, royalty, costs, payable or leviable under this Regulation or under any other law for the time being in force relating to land revenue;

(b) All monies due by any contractor for the farm of any tax, duty cess or fee or any other item of revenue whatsoever, and all specific pecuniary penalties to which any such contractor renders himself liable under the terms of his agreement;

(c) all sums declared by this Regulation or any other law for the time being in force or by any agreement or contract with the Government to be leviable as an assessment, or as a revenue demand, or as an arrear of land revenue.

shall be levied under the foregoing provisions of this Chapter and all the provisions of this Chapter shall, so far as may be, be applicable thereto.

(2) In the event of the resumption of any farm referred to in clause(b) of sub-section (1), no person shall be entitled to any credit for any payments which he may have made to the contractor in anticipation.

Sum recoverable under the provisions of this Chapter.

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207. Any person who has received from the Government a free grant Recovery of free grants of money for any agricultural purpose, subject to the condition that he as arrear of shall refund the same on failure to observe any of the conditions of the revenue in grant, shall, on failure to observe any such condition and to repay the misuse, said sum to the Government be liable to be proceeded against under the provisions of this Chapter as a revenue defaulter; and all the foregoing provisions of this Chapter shall, so far as may be, be applicable to such person.

208. Every person, who may have become a surety under any of the Recovery of monies fro u provisions of this Regulation, or under any other law for the time being surety. in force or under any grant, lease or contract whereunder the sum secured is recoverable from the principal as an arrear of land revenue including a contractor referred to in clause (b) of sub-section (1) of section 206 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 as a revenue defaulter; and all the foregoing provisions of this Chapter shall, so far as may be, be applicable to such person.

CHAPTER XII

PROCEDURE OF REVENUE OFFICERS

209. In all official acts and proceedings a revenue officer shall, in the Subordinaabsence of any express provision of law or any rule made thereunder to revenue the contrary, be subject as to the place, time and manner of performing officers. his duties to the direction and control of the officer to whom he is subordinate.

210. Whenever it appears to the Administrator, that an order under this Power to section is expedient for the ends of justice, he may direct that any parti- cases. cular case be transferred from one revenue officer to another revenue officer of an equal or superior rank.

211. (1) The Collector, Sub-Divisional Officer or Mamlatdar may make Power to over any case or class of cases, arising under the provisions of this Regu- transfer cases to lation or any other law for the time being in force for decision and from from his own file to any revenue officer subordinate to him competent to subordinates. 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 competent to decide such case or class of cases.

(2) The Collector, Sub-Divisional Officer or Mamlatdar may make over for inquiry and report any case or class of cases arising under the provisions of this Regulation or any other law for the time being in force from his own file to any revenue officer subordinate to him.

212. (1) Every revenue or survey officer not below the rank of an Aval Power to Karkun in their respective departments shall have power to summon any summon persons to person whose attendance he considers necessary either to be examined give evias a party or to give evidence as a witness or to produce documents for dence and produce ; the purposes of any inquiry which such officer is legally empowered to documenta. make.

case of

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(2) A summons to produce documents may be for the production of certain specified documents for or the production of all documents of a certain description in the possession of the person summoned.

(3) Subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908, all persons so summoned shall be bound to attend, 5 of 1908. either in person or by an authorised agent, as such officer may direct.

(4) All persons summoned as aforesaid shall be bound to state the truth upon any subject respecting which they are examined or make statements and to produce such documents and other things as may be required.

213. (1) Every summons shall be in writing in duplicate and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and if he has a seal shall also bear his seal.

(2) The summons shall be served by tendering or delivering a copy of it to the person summoned or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence.

214. 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 is issued under section 212 may—

- (a) issue a bailable warrant of arrest; or
- (b) order him to furnish security for appearance; or
- (c) impose upon him a fine not exceeding fifty rupees.

Mode of serving notice.

Summons

to be in

writing, signed and

sealed; service of

summons.

Compelling

attendance

of witness.

215. (1) Subject to the provisions of this Regulation, and the rules made thereunder, every notice under this Regulation may be served either by tendering or delivering a copy thereof, or sending such copy by post to the person on whom it is to be served, or his authorized agent, or, if service in the manner aforesaid cannot be made, by affixing a copy thereof at his last known place of residence or at some place of public resort in the village in which the land to which the notice relates is situated or trom which the land is cultivated.

(2) No such notice shall be deemed void on account of any error in the name or designation of any person, or in the description of any land, referred to therein, unless such error has produced substantial injustice.

Precedure for produciog attendance of witnesses.

Hearing in absence of party.

216. In any formal or summary inquiry if any party desires the attendance of witnesses, he shall follow the procedure prescribed by the Code of Civil Procedure, 1908, for parties applying for summonses for 5 of 1908, witnesses.

217. (1) If on the date fixed for hearing a case or proceeding, a revenue or survey 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 in default of payment of such process fees.

(2) If any party to a case or proceeding before the "evenue or survey officer does not appear on the date fixed for hearings, the case may be heard and determined in his absence or may be dismissed in default.

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(3) The party against whom any order is passed under sub-section (1) or (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 from appearing at the hearing and the revenue or survey officer may, after notice to the opposite party which 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) or except where a case or proceeding before any such officer has been decided on merits, no appeal shall lie from an order passed under this section.

218. (1) A revenue or survey officer may, from time to time, for reasons Adjournment to be recorded, adjourn the hearing of a case or proceeding before him. of hearing.

(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.

219. (1) In all formal inquiries the evidence shall be taken down in Mode of full, in writing, in English or in Gujarati or Marathi, by or in the presence taking eviand hearing and under the personal superintendence and direction of, the formal inofficer making the investigation or inquiry, and shall be signed by him quiries. and the officer shall read out or cause to be read out the evidence so taken to the witness and obtain his signature thereto in token of its correctness.

(2) In cases in which the evidence is not taken down in full in writing by the officer making the inquiry he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

(3) If such officer is prevented from making a memorandum as required aforesaid, he shall record the reason of his inability to do so.

220. Every decision, after a formal inquiry, shall be in writing signed Writing and by the officer passing the same, and shall contain a full statement of the explanation of decisions. grounds on which it is passed.

221. In summary inquiries, the revenue or survey officer shall himself, summary as any such inquiry proceeds, record a minute of the proceedings in his inquiries how to own hand in English or in Gujarati or Marathi embracing the material be conducaverments made by the parties interested, the material parts of the ^{ted.} evidence, the decision and the reasons for the same:

Provided that it shall at any time be lawful for such officer to conduct an inquiry directed by this Regulation to be summary under all, or any of the rules applicable to a formal inquiry, if he deems fit.

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Formal and summary inquiries to be deemed judicial proceedings. <u>\$</u>56

222. (1) A formal or summary inquiry under this Regulation shall be deemed to be a judicial proceeding within the meaning of sections 193, 219 and 228 of the Indian Penal Code, and the office of any authority 45 of 1860. holding a formal or summary inquiry shall be deemed to be a civil court for the purposes of such inquiry.

(2) Every hearing and decision, whether in a formal or summary inquiry, shall be in public, and the parties or their authorised agents shall have due notice to attend.

Ordinary inquiries how to be conducted. 223. An inquiry which this Regulation does not require t_0 be either formal or summary, or which any revenue or survey officer may on any occasion deem to be necessary to make, in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special as may have been prescribed by the Administrator or an authority superior to the officer conducting such inquiry, and except in so far as controlled by such rules, according to the discretion of the officer in such way as may seem best calculated for the ascertainment of all essential facts and the furtherance of the public good.

Copies and translations, etc., how to be obtained. 224. In all cases in which a formal or summary inquiry is made, authenticated copies and translations of decisions, orders, and the reasons therefor and of exhibits, shall be furnished to the parties and original documents used as evidence shall be restored to the parties who produced them, or to persons claiming under them on due application being made for the same, subject to such charges for copying, searches, inspection and other like matters as may be prescribed.

Arrest of defaulter to be made upon warrant.

Power to enter upon and survey land. 225. Whenever it is provided by this Regulation that a defaulter, or any other person may be arrested, such arrest shall be made upon a warrant issued by any officer competent to direct such person's arrest.

226. All revenue and survey officers and when under their observation and control, their servants and workmen when so directed, may enter upon and survey land and demarcate boundaries and do other acts connected with the lawful exercise of their office under this Regulation or any other law for the time being in force relating to land revenue and in so doing shall cause no more damage than may be required for the due performance of their duties:

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 social and religious sentiments of the occupier.

Collector how to proceed in order to evict any person wrongfully in possession of land. 227. Whenever it is provided by this Regulation or by any other law for the time being in force that the Collector may or shall evict any person wrongfully in possession of land, such eviction shall be made in the following manner, that is to say—

(a) by serving a notice on the person or persons in possession requiring him or them (within such time as may appear reasonable after receipt of the said notice) to vacate the land, and

THE GAZETTE OF INDIA EXTRAORDINARY SEC. 1]

(b) if such notice is not obeyed, by removing or deputing a subordinate to remove, any person who may refuse to vacate the same, and

(c) if the officer removing any such person shall be resisted or obstructed by any person, the Collector 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 continue, 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, issue a warrant for the arrest of the said person, and on his appearance commit him to close custody in the office of the Collector or of the Mamlatdar or send him with a warrant, in the form specified in Schedule D, for imprisonment in the civil jail for such period not exceeding thirty days, as may be necessary to prevent the continuance of such resistance or obstruction.

228. A revenue or survey officer may give and apportion costs incurred Power to in any case or proceeding arising under this Regulation or any other law apportion for the time being in force in such manner and to such extent as he thinks costs. 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.

229. Save as otherwise provided in any other law for the time Persons by being in force, all appearances before, applications to and acts to be done whom appearances before, any revenue or survey officer under this Regulation or any other and applilaw for the time being in force may be made or done by the parties them- be made selves or by their recognised agents or by any legal practitioner:

cations may before and to revenue or

Provided that, subject to the provisions of sections 132 and 133 of the survey officer. Code of Civil Procedure, 1908, any such appearance shall, if the revenue or survey officer so directs, be made by the party in person.

ci 1908.

CHAPTER XIII

APPEALS, REVISION AND REVIEW

230. (1) In the absence of any express provision of this Regulation, or Appeal and of any other law for the time being in force to the contrary, an appeal authorities. shall lie from any decision or order passed under this Regulation or any other law for the time being in force by a revenue or survey officer specified in column (1) of Schedule E to the officer specified in column (2) of that Schedule whether or not such decision or order may itself have been passed on appeal from the decision or order of the officer specified in column (1) of the said Schedule:

Provided that in no case the number of appeals shall exceed two.

(2) When on account of promotion or change of designation, an appeal against any decision or order lies under this section to the same officer who has passed the decision or order appealed against the appeal shall lie to such other officer competent to decide the appeal to whom it may be transferred under the provisions of this Regulation.

Appeal against review or revision.

231. (1) An order passed in review varying or reversing any order shall be appealable in the like manner as an original decision or order.

(2) An order passed in revision varying or reversing any order shall be appealable as if it were an order passed by the revisional authority in appeal.

232. (1) No appeal shall be brought after the expiration of sixty days if the decision or order complained of has been passed by an officer inferior in rank to the Collector nor after the expiration of ninety days in any other case.

(2) The period of sixty and ninety days referred to in sub-section (1) shall be counted from the date on which the decision or order is received by the appellant and in computing the said periods, the time required to obtain a copy of the decision or order appealed against shall be excluded.

233. Any appeal or an application for review under this Chapter may be admitted after the period of limitation prescribed therefor when the appellant or the applicant, as the case may be, satisfies the officer or the Administrator to whom he appeals or applies, that he had sufficient cause for not presenting the appeal or application, as the case may be, within such period.

Certain

234. No appeal shall lie from an order-

duction of such copy is dispensed with.

(a) admitting an appeal or an application for review under section 233; or

235. Whenever the last day of any period provided in this Chapter for

236. Every petition for appeal, review or revision shall be accompanied

presentation of an appeal or an application for review falls on a Sunday

or other holiday recognised by the Government the day next following

by a certified copy of the order to which objection is made unless the pro-

(b) rejecting an application for revision or review; or

(c) granting or rejecting an application for stay.

the close of the holiday shall be deemed to be such last day.

Provision where last day for appeal falls on Sunday or holiday.

Copy of order to accompany petition of appeal, review or revision.

Power of appellate authority.

237. (1) The appellate authority may either admit the appeal or, after calling for the record and giving the appellant an opportunity to be heard, may summarily reject it:

Provided that the appellate authority shall not be bound to call for the record 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 thereof shall be served on the respondent.

(3) After hearing the parties, if they appear, the appellate authority may, for reasons to be recorded in writing, either annul, confirm, modify, 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.

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brought.

Admission

of appeal after period

of limita-

tion.

Periods

within

which appeals

must be

orders not appealable.

THE GAZETTE OF INDIA EXTRAORDINARY SEC 11

238. (1) A revenue or survey officer who has passed only order or his Stay of execution of successor in office may, at any time before the expiry of the period pres- orders. cribed for appeal, direct the execution of such order to be stayed for such time as he thinks fit, provided no appeal has been filed.

(2) The appellate authority may, at any time, direct the execution of the order appealed from, to be stayed for such time as it may think fit.

(3) The authority exercising the powers of revision or review may direct the execution of the order under revision or review, as the case may be, to be stayed for such time as it may think fit.

(4) The appellate authority or the authority exercising the powers of revision or review may set aside or modify any direction made under subsection (1).

(5) The revenue or survey officer or the 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.

(6) No order directing the stay of execution of any order shall be passed except in accordance with the provisions of this section.

239. (1) The Administrator and any revenue or survey officer, not Power of Administrainferior in rank to an Assistant or Deputy Collector. may call for and tor and of examine the record of any inquiry or the proceedings of any subordinate certain revenue or survey officer, for the purpose of satisfying as to the legality or and survey propriety of any decision or order passed, and as to the regularity of the officers to call for and proceedings of such officer.

revenue examine records and of subordi

(2) The Administrator may in the same manner call for and examine proceedings the proceedings of any officer subordinate to him in any matter in which rate officers. neither a formal nor a summary inquiry has been held.

(3) If in any case, it shall appear to the Administrator or to any officer referred to in sub-section (1) that any decision or order or proceedings so called for should be modified, annulled or reversed, he may pass such order thereon as he deems fit:

Provided that the Administrator or such officer shall not vary or reverse any order affecting any question of right between private persons without having given to the parties interested notice to appear and to be heard in support of such order:

Provided further that, an Assistant or Deputy Collector shall not himself pass such order in any matter in which a formal inquiry has been held, but shall submit the record with his opinion to the Collector, who shall pass such order thereon as he may deem fit.

240. (1) The Administrator and every revenue or survey officer may, Review of either on his own motion or on the application of any party interested, review any order passed by himself or any of his predecessors in office and pass such orders in reference thereto as he thinks fit:

Provided that-

(i) if the Collector or Settlement Officer thinks it necessary to review any order which he has not himself passed, on the ground other than that of clerical mistake, he shall first obtain the sanction of the Administrator or the Collector, as the case may be, and if an officer subordinate to a Collector or Settlement Officer proposes to review any order on the ground other than that of clerical mistake, whether such order is passed by himself or his predecessor, he shall first obtain the sanction of the authority to whom he is immediately subordinate;

(ii) no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order;

(*iii*) no order from which an appeal has been made, or which is the subject of any revision proceedings, shall, so long as such appeal or proceedings are pending, be reviewed;

(iv) no order affecting any question of right between private persons shall be reviewed except on an application of a party to the proceedings, and no such application for review of such order shall be entertained unless it is made within ninety days from the passing of the order.

(2) No order shall be reviewed except on the following grounds. namely:---

(i) discovery of new and important matter or evidence, or

(ii) some mistake or error apparent on the face of the record, or

(iii) any other sufficient reason.

(3) For the purposes of this section, the Collector shall be deemed to be the successor in office of any revenue or survey officer who has left or who has ceased to exercise powers as a revenue or survey officer and to whom there is no successor.

(4) An order which has been dealt with in appeal or on revision shall not be reviewed by any revenue or survey officer subordinate to the appellate or revisional authority.

(5) Orders passed in review shall on no account be reviewed.

241. Whenever in this Regulation, it is provided that a decision or order shall be final or conclusive, such provision shall mean that no appeal lies pressly made from any such decision or order, but it shall be lawful to the Administrator alone to modify, annul or reverse any such decision or order under the provisions of section 239.

CHAPTER XIV

MISCELLANEOUS

Maps and la d records open to inspections, etc.

Rules as to

decisions or

orders ex-

final.

242. Subject to such rules and the payment of such fees as the Administrator may, from time to time, prescribe in this behalf, all maps and land records shall, subject to such restrictions as may be imposed, be open to the inspection of the public at reasonable hours, and certified extracts from the same or certified copies thereof shall be given to all persons applying for the same.

Rules.

243. (1) The Administrator may make rules not inconsistent with the provisions of this Regulation for the purpose of carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely:---

(i) the powers and duties of appeal, superintendence and control which may be exercised and discharged by revenue officers under sub-section (1) of section 12;

(ii) the powers which may be exercised by a Circle Officer and Circle Inspector over the *Talathi* and the duties and functions which may be performed by them under sub-section (2) of section 13;

(*iii*) the qualifications of persons on whom powers of an Assistant or Deputy Collector or Mamlatdar may be conferred under section 14;

(iv) the manner of disposal of the property of Government under sub-section (1) of section 19;

(v) the grazing on free pasturage land under section 22;

(vi) the cutting of trees under section 24;

(vii) the manner in which trees, bushwood, jungle or other natural product vesting in Government shall be preserved or disposed of under section 25;

(viii) the conditions subject to which, wood may be taken without payment of any tax under sub-section (1), and the privileges to cut fire-wood or timber may be exercised under sub-section (2), of section 27;

(*ix*) the grant of land and the conditions to be annexed to such grant under section 30;

(x) the disposal of alluvial land under sub-section (1) of section 31;

(xi) the conditions subject to which unoccupied land may be leased under section 36;

(xii) the form of application for permission to convert the use of land from one purpose to another under sub-section (1), the conditions subject to which permission for change of user may be granted by the Collector under clause (c) of sub-section (2), the conditions subject to which the permission for change of user shall be deemed to have been granted under sub-section (4), the amount of fine which the defaulter shall be liable to pay under sub-section (6) and the form in which sanad may be granted to the holder for nonagricultural use under sub-section (7), of section 42;

(xiii) the amount of fine to be paid as penalty for using land without permission under sub-section (1) of section 43;

(xiv) the conditions subject to which the Collector may regularise the non-agricultural use of any land under section 45;

(xv) the extraction and removal of mines and minerals under sub-section (9) of section 46;

(xvi) the form in which an application for construction of watercourse may be made under sub-section (1) of section 47;

(xvii) the conditions subject to which land may be granted to an encroacher under section 49;

(xviii) the local area within which the operation of section 53 may be suspended under section 57;

(xix) the conditions subject to which a holder of land shall be entitled to decrease of assessment and the conditions subject to which a holder of land shall be liable for payment of land revenue on reappearance of the land lost by diluvion under section 61;

(xx) the manner and alteration of assessment under section 62;

(xxi) the assessment of the amount to be paid as land revenue under sub-section (1) of section 63;

(xxii) the disposal of occupancy under section 67;

(xxiii) the conditions subject to which and the circumstances in which reduction, suspension or remission of land revenue in any area may be granted under section 72;

(xxiv) the maintenance of the records of the area and assessment of survey numbers and sub-divisions thereof under section 78;

(xxv) the division of the holding and apportionment of assessment thereof and the limits of area or land revenue below which partition may be rejected under section 79;

(xxvi) the division of survey numbers into sub-divisions and the fixation of the assessment of the sub-divisions and the revision thereof under sub-section (2), and the land records in which the area and assessment of sub-divisions may be entered under sub-section (3), of section 81;

(xxvii) the division of lands to be settled into groups and the fixation of the standard rates for each group under sub-section (1), and the manner in which the land revenue assessment of individual survey numbers and sub-divisions may be fixed by the Settlement Officer on the basis of their classification value under sub-section (3), of section 88:

(xxviii) the manner of ascertaining the average yield of crops of land for the purposes of the settlement and the manner of holding the inquiry for that purpose and the manner of submitting the report to the Collector under section 90;

(xxix) the manner in which a settlement report may be published under section 91;

(xxx) the manner of giving a notice under section 95;

(xxxi) the percentage of the full market value of lands and the manner of publication of the standard rates of non-agricultural assessment fixed or revised and the manner in which the full market value may be estimated under section 106;

(xxxii) the occupations under clause (1), and the period and conditions under clause (5), of section 110;

(xxxiii) the factors to be taken into account for the fixation of the amount of survey fee under sub-section (2) of section 120;

(xxxiv) the manner in which the maps and registers in which the results of operations conducted under section 119 shall be recorded and the proportion of contribution to be made by a village panchayat to the cost of preparing such maps under section 121;

(xxxv) the charges or fees for granting a copy of sanad under section 124;

(xxxvi) the procedure to be followed by the Collector in demarcating the boundaries of a survey number or a sub-division, the nature of the boundary marks to the used and the amount of fee that

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may be levied on the holders of land in a demarcated survey number or sub-division, under sub-section (2) of section 129;

(xxxvii) the manner of publication of the plan to revise the boundaries by the survey officer under sub-section (3), and the number of members constituting a village committee, and the manner in which the committee shall be elected under sub-section (7), of section 130;

(xxxviii) the determination of the description of the boundary marks and survey marks, the manner in which they shall be constructed, laid out, maintained or repaired and the dimensions and materials of boundary and survey marks, under section 132;

(xxxix) the manner of demarcating boundary marks, and of repairing and renewing such marks, under section 135;

(xl) the particulars which a record-of-rights shall include under section 141;

(xli) the nature of evidence that may be produced under the second proviso to section 142;

(xlii) the form of acknowledgment to be given by a Talathi under sub-section (3), the manner in which the orders disposing of objections may be recorded in the register of mutations under subsection (4), the transfer of entries from the register of mutations to the record-of-rights under sub-section (5), the matter in which entries in the register of mutations may be certified under sub-section (6), and the manner in which and the procedure in accordance with which register of tenancies may be maintained under sub-section (7), of section 143;

(xliii) the matters which the booklet may contain under subsection (4), the preparation, issue and maintenance of booklet and the fees to be charged therefor under sub-section (5), of section 144;

(xliv) the requisition of assistance in the preparation of maps under section 146;

(xlv) the form in which and the times at which intimation of transfers by registering officers may be sent under section 147;

(xlvi) the land records to be prepared under section 149;

(xlvii) the payment of land revenue in instalments and the dates on which, the persons to whom and the places whereat such instalments may be paid, under sub-section (2) of section 163;

(xlviii) the conditions subject to which, and the circumstances in which, occupancy forfeited to Government may be sold or otherwise disposed of under section 170;

(xlix) the form of proclamation to be issued by the Collector under section 177;

(1) the form of notice under sub-section (4) of section 178;

(*li*) the manner in which a fresh notice of re-sale of property may be given under section 190;

(*lii*) the conduct of ordinary inquiries under section 223;

(*liii*) the charges for copying, searches, inspection and other like matters under section 224;

(liv) the conditions subject to which and the fees on payment of which maps and records shall be open to the inspection of the public and certified extracts therefrom or certified copies thereof may be given under section 242;

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PARY IL-

(lv) any other matter for which rules have to be or may be made under this Regulation.

Power to remove difficulties. 244. If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order, do anything not inconsistent with such provisions which may appear to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the date of publication of this Regulation.

Repeal and saving.

245. (1) The following laws, that is to say,—

(i) the Organizacao Agraria for Nagar Haveli published under Portaria Provincial No. 985, dated the 22nd September, 1919;

(ii) Portaria Provincial No. 1055, dated the 23rd December, 1920;

(iii) Diploma Legislative No. 406, dated the 17th March, 1930;

(iv) Decreto No. 27:135, dated the 20th October, 1936;

(v) Portaria Provincial No. 5242, dated the 6th September, 1938;

(vi) Diploma Legislative No. 1063, dated the 17th August, 1939;

(vii) Portaria Provincial No. 3635, dated the 2nd April, 1942;

(viii) Portaria Provincial No. 4852, dated the 10th March, 1949;

(ix) Diploma Legislative No. 1370, dated the 19th April, 1951;

(x) any other Portaria, Diploma, Decreto or Order issued up to the 21st July, 1954, relating to the amendment of the law referred to in clause (i).

in force in the Union territory of Dadra and Nagar Haveli shall, as from the commencement of this Regulation, stand 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 under any such law shall, so far as it is not inconsistent with the provisions of this Regulation, be deemed to have been done or taken under the corresponding provisions of this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Regulation.

SCHEDULE A

(See sections 16 and 174)

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 16 OR 174

(Seal)

To

The Officer in Charge of the Civil Jail at

WHEREAS AB of was on the day of 19, ordered by to (here state the substance of the demand made); and whereas the said AB has neglected to comply with the said order, and it has therefore been directed under the provisions of section 16/174 of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971 that he be imprisoned in the civil jail until he obeys the said order, or until he obtains his discharge under the provisions of section 16 or 174 or 176, as the case may be, of the said Regulation; you are hereby required to receive the said AB into jail under your charge and to carry the aforesaid order into execution according to law.

Dated this day of 19. (Seal)

(Signature of the Collector)

SCHEDULE B

(See sections 18 and 176)

FORM OF BOND TO BE REQUIRED UNDER SECTION 18 OR 176

WHEREAS I,

, have been

ordered by to (here state the nature of the demand) and whereas I dispute the right of the said to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the Civil Court of Dadra and Nagar Haveli to contest the justice of the demand, and do agree that in the event of a decree being passed against me, I will fulfil the same and will pay all amounts including costs and interests, that may be due by me, or that if I fail to institute a suit as aforesaid, I will, when required, pay the above-mentioned amount of rupees (or will deliver up the above-mentioned papers or property, as the case may be), and in the case of making default therein, I hereby bind myself to forfeit to the Government the sum of rupees.

Dated

(Signature)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL

We, , hereby declare ourselves securities for the abovesaid that he shall do and perform all that he has above undertaken to do and perform and in case of his making default herein, we hereby bind ourselves to forfeit to the Government the sum of rupees.

Dated

(Signature)

SCHEDULE C

(See sections 122 and 123)

FORM OF SANAD FOR BUILDING SITES

(The Asoka Capital Motif)

The Administration of the Union territory of Dadra and Nagar Haveli To

WHEREAS the Administrator, with a view to the settlement of the land revenue, and the record and preservation of proprietary and other rights connected with the soil, has under the provisions of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971, directed a survey of the lands within the of and ordered the necessary inquiries connected therewith to be made, this *sanad* is issued under section 122/123 of the said Regulation to the effect that there is a certain plot of ground occupied by you, the particulars of which are given below:—

1. Name of village/town.

2. Plot No.

3. Map sheet No.

4. Boundaries:---North

South

West

East

5. Area of the plot.

6. Shape and dimensions of the plot.

You are hereby confirmed in the said occupancy exempt from all land revenue (or subject to the payment of Rs. per annum of the land revenue).

The terms of your tenure are such that your occupancy is both transferable and heritable, and will be continued by the Administrator, without any objection or question as to title to whosoever shall, from time to time, be its lawful holder (subject only to the condition of the payment annually of the above land revenue according to the provisions of the Dadra and Nagar Hoveli Land Revenue Administration Regulation, 1971 or of any other law for the time being in force and to the liability to have the said rate of assessment revised at the expiration of a term of years reckoned from the and thereafter at successive periods

of years in perpetuity, and to the necessity for compliance with the provisions of the law, from time to time, in force as to the time and manner of payment of the said assessment, and to the liability of forfeiture of the said occupancy and of all rights and interests connected therewith in case of your failure to pay the said assessment as required by law).

(Signed)

Sec. 1]

THE GAZETTE OF INDIA EXTRAORDINARY

SCHEDULE D

(See section 227)

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 227

(Seal)

то

The Officer in Charge of the Civil Jail at

WHEREAS AB of has resisted (or obstructed) CD in removing EF (or himself, that is, the said AB) certain land in the village of

from the land or foreshore situated at

and whereas it is necessary, in order to prevent the continuance of such resistance or obstruction to commit the said AB to close custody; you are hereby required under the provisions of section 227 of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971, to receive the said AB into the jail under your charge and there to keep him in safe custody for days.

Dated this day of 19.

(Signature of the Collector)

SCHEDULE E

(See section 230)

Revenue and survey officer (1)	Officer to whom appeal lies (2)
2. Sub-Divisional Officer, Assistant or Deputy Collector and Settle- ment Officer.	Collector.
3. Collector.	Administrator.

V. V. GIRI, President.

N. D. P. NAMBOODIRIPAD, Joint Secy. to the Govt. of India.

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Chapter VIII

REGISTERED NO. D. 221



ग्रसाधाररग

EXTRAORDINARY

भाग II--खण्ड ।

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 57] नई दिल्ली, बुधवार, दिसम्बर 8, 1971/मग्रहायए। 17, 1893 No. 57] NEW DELHI, WEDNESDAY, DECEMBER 8, 1971/AGRAHAYANA 17, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह म्रलग संकलन के रुप 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 AND JUSTICE

(Legislative Department) New Delhi the 8th December, 1971 THE DADRA AND NAGAR HAVELI LAND REFORMS REGULATION, 1971

NO. 3 OF 1971

Promulgated by the President in the Twenty-second Year of the Republic of India.

A Regulation to abolish Alwara and Terem tenures, to confer occupancy rights on Alwara and Terem holders and their tenants, to impose a ceiling on possession of agricultural lands, to provide for acquisition and distribution of land held in excess of such ceiling and to regulate the relation of landlords and tenants, 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 President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Dadra and Nagar Haveli extent and Land Reforms Regulation, 1971.

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Noli

21 in Chapter V and

Mr. S. D. 761(E)

(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:

THE GAZETTE OF INDIA EXTRAORDINARY

PART II-

Provided that different dates may be appointed 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.

Definitions.

2. In this Regulation, unless the context otherwise requires,-

(1) "Administrator" means the administrator of the Union territory of Dadra and Nagar Haveli, appointed under article 239 of the Constitution;

(2) "agricultural labourer" means a person whose principal means of livelihood is the income he gets as wages in cash or in kind, or partly in cash and partly in kind, in connection with manual labour on agricultural land, but does not include a tenant;

(3) "agricultural land" means land which is used or capable of being used for the purpose of agriculture and includes,—

(a) the sites of farm-buildings on or appurtenant to such land:

(b) grass land capable of being used for the purpose of agriculture,

but does not include forest land.

Explanation.—If any question arises as to whether any grass land is capable of being used for the purpose of agriculture, such question shall be decided by the prescribed authority;

(4) "agricultural season" means the period commencing from 1st June and ending with 30th November of any year, or such other period as the Administrator may, by notification in the Official Gazette, appoint;

(5) "agriculture" includes-

(i) horticulture;

(ii) the raising of crops or garden produce;

(*iii*) the use by an agriculturist, or a dairy farmer, of land held by him, or part thereof, for grazing his cattle;

(iv) the use of any land, whether or not an appendage to paddy land, for the purpose of rab-manure;

(v) dairy farming;

(vi) poultry farming; and

(vii) stock breeding.

Explanation.—If any question arises as to whether any land or part thereof is used for any of the pursuits specified in sub-clause (*iii*) or sub-clause (*iv*), such question shall be decided by the prescribed authority;

(6) "agriculturist" means a person who cultivates land personally;

(7) "Alwara" means a document evidencing the grant of concession to enjoy land given under article 50 of the Organizacaos Agraria;

(8) "Alwara-holder", in relation to any land, means a person in whose favour an Alwara has been granted in respect of that land and includes the successor-in-interest of such person and where such land has been mortgaged with possession to any other person, such other person;

(9) "appointed day" means the 20th day of August, 1964, being the date on which the Land Reforms Commission for the Union territory of Dadra and Nagar Haveli was appointed;

(10) "ceiling area" means the ceiling area within the meaning of section 8;

(11) "Collector" means the Collector of Dadra and Nagar Haveli and includes any officer, not below the rank of a Sub-Divisional Officer, specially empowered by the Administrator, by notification in the Official Gazette, to exercise and perform all or any of the powers and functions of the Collector under this Regulation;

(12) "farming society" means a society registered or deemed to be registered as a farming society under any law, for the time being in force, relating to the registration of co-operative societies;

(13) "forest land" means any land in the Union territory of Dadra and Nagar Haveli which the Administrator may, having regard to the tree-growth therein, the object for which such trees or their produce are or is put to use or can be used, and the virginity of the soil of such land, by notification in the Official Gazette, declare to be a forest land;

(14) "Government" means the Central Government;

(15) "grass land" means land in which naturally growing grass is the main produce, irrespective of the purpose for which such grass may be used;

(16) "joint family" means,-

(a) in relation to persons governed by the Hindu law, a Hindu undivided family;

(b) in relation to others, a group or unit the members of which are, by custom or usage, joint in estate or possession or residence;

(17) "landless person" means an agricultural labourer who does not possess any land for purposes of agriculture and who intends to take to the profession of agriculture;

(18) "landlord" means a person under whom a tenant holds land and to whom he is liable to pay rent;

(19) "Land Revenue Regulation" means the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971;

(20) "Organizacao Agraria" means the Organizacao Agraria for Nagar Hayeli published as Portaria Provincial No. 985, dated the 22nd day of September, 1919, as amended from time to time; (21) "person" includes a company, family, joint family, association or other body of individuals, whether incorporated or not, and any institution capable of holding property;

[PART II-

(22) "personal cultivation", with its grammatical variations and cognate expressions, means cultivation by a person on his own account—

(i) by his own labour, or

(ii) by the labour of any member of his family, or

(*iii*) by servants or by hired labour on wages, payable in cash or in kind (but not as a share of the produce), under the personal supervision of himself or of any member of his family.

Explanation 1.—Land shall not be deemed to be cultivated under the personal supervision of a person or a member of his family unless such person or member resides, during the major part of the agricultural season, in the village in which the land or the major part thereof is situated or in a place situated within a distance of not more than eight kilometers from such village.

Explanation 2.—In the case of a person under disability, supervision by a paid employee on behalf of such person shall be deemed to be personal supervision.

Explanation 3.—For the purpose of this clause "member of a family" means father, mother, spouse, brother, son, grandson or dependent sister or daughter and in the case of a Hindu undivided family, a member thereof and also a divorced and dependent daughter;

(23) "person under disability" means-

(i) a widow; or

(ii) a minor; or

(*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 sub-clause (iv) or sub-clause (v); or

(iv) a member of the Armed Forces of the Union; or

(v) a person who by reason of some mental or physical disability is incapable of cultivating land by personal labour or personal supervision;

(24) "prescribed" means prescribed by rules made under this Regulation;

(25) "prescribed authority", in relation to any provision of this Regulation, means such officer or authority as the Administrator may, by notification in the Official Gazette, specify in this behalf for the purpose of that provision;

(26) "rent" means whatever is lawfully payable periodically as rent, in cash or in kind, or partly in cash and partly in kind, whether as a fixed quantity of the 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 does not include land revenue; (27) "Scheduled Castes" and "Scheduled Tribes" shall have the same meanings as are respectively assigned to them in clauses (24) and (25) of article 366 of the Constitution;

(28) "small holder" means a person who possesses or cultivates land the extent of which is less than one-fifths of the ceiling area, and who earns his livelihood principally by agriculture or by agricultural labour;

(29) "tenant" means a person who possesses land on lease, under an agreement, whether oral or written, and includes---

(i) a person who is deemed to be a tenant under section 41;

(ii) a person who is a tenant within the meaning of subclause (9) of clause 2 of the Free Dadra and Nagar Haveli Tenancy and Agricultural Lands Ordinance, 1961;

(iii) a Wavaledar; and

(*iv*) a sub-lessee,

but does not include an Alwara-holder, a Terem-holder and a temporary lessee under the Government referred to in section 5.

Explanation.—For the purpose of this clause "Wavaledar", in relation to any land, means a person who has been given such land by the owner thereof in consideration of rendering service to such owner and the land so given is under the personal cultivation of such person;

(30) "Terem" means a lease of land granted under article 84 of the Organizacao Agraria;

(31) "Terem-holder", in relation to any land, means a person in whose favour a Terem has been granted in respect of that land and includes the successor-in-interest of such person and where such land has been mortgaged with possession to any other person, such other person:

(32) "to cultivate", with its grammatical variations and cognate expressions, means to till or husband the land for the purpose of raising or improving agricultural produce, whether by manual labour or by means of cattle or machinery, or to carry on any agricultural operation thereon; and the expressions "cultivated" and "uncultivated" shall be construed accordingly;

(33) "to possess land" means to be in lawful and actual possession of land;

(34) "village site" means any area recognised according to any survey, custom or usage as village site on the date appointed under section 3;

(35) all other words and expressions used but not defined in this Regulation, but defined in the Land Revenue Regulation, shall have the same meanings as are respectively assigned to them in that Regulation.

ABOLITION OF ALWARA AND TEREM TENURES AND GRANT OF OCCUPANCY RIGHTS

Extinguishment of concessions under Alwara, Terem, etc. 3. Notwithstanding anything contained in any law for the time being in force or in any custom or usage or in any agreement settlement, grant, Alwara, Terem or other instrument or in any decree or order of any Court or other authority, with effect on and from such date as the Administrator may, by notification in the Official Gazette, appoint (hereinafter referred to as the "vesting date") all concessions granted in respect of any land held under an Alwara or Terem shall stand extinguished and such land shall vest in the Government, free from all encumbrances, and be subject to the rights, if any, granted in respect thereof under this Chapter.

4. (1) On and from the vesting date, occupancy rights in respect of--

(a) any land (including grass land not capable of being used for the purpose of agriculture) which has not been put to agricultural use by an Alwara-holder or a Terem-holder and which vests in Government under section 3 shall be deemed to have been granted to the Alwara-holder or the Terem-holder, as the case may be, and nothing in this Regulation, except the provisions contained in sections 21, 22, 44, 45, 46, 47 and 48, shall be applicable to such land or to any matter connected with such land;

(b) any grass land capable of being used for the purpose of agriculture (including the sites of farm-buildings, if any, on such land) which vests in Government under section 3 and which, on the vesting date, is in the possession of an Alwara-holder or a Teremholder or a tenant shall be deemed to have been granted to the Alwara-holder or the Terem-holder or the tenant, as the case may be, subject to the conditions specified in sub-section (2);

(c) any other land which vests in Government under section 3 and which, on the vesting date, is under the personal cultivation of an Alwara-holder or a Terem-holder or a tenant (including the sites of farm-buildings, if any, appurtaining to such land which on the said date is in his possession) shall, subject to the provisions of this Regulation, be deemed to have been granted to the Alwaraholder or the Terem-holder or the tenant, as the case may be:

Provided that nothing in this sub-section shall apply to-

(i) any forest land; or

(*ii*) any agricultural land which falls within the limits of a village site; or

(*iii*) any agricultural land possessed by an Alwara-holder or a Terem-holder or a tenant in excess of the ceiling area; or

(iv) any land in relation to which an application has been made under section 7 of the Free Dadra and Nagar Haveli Tenancy and Agricultural Lands Ordinance, 1961, for so long as such application has not been finally disposed of.

(2) The conditions referred to in clause (b) of sub-section (1) shall be the following, namely:—

(a) that at the end of two years from the vesting date, the Alwara-holder or the Terem-holder or the tenant, as the case may be, shall not possess grass land the extent of which is in excess of

Grant of occupancy rights in respect of lands vesting in Government under section 3.

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one-fourth of the extent of agricultural land possessed by him on the vesting date;

(b) that the grass land, the extent of which is in excess of onefourth of the extent of agricultural land possessed by the Alwaraholder or the Terem-holder or the tenant, as the case may be, on the vesting date, shall be brought by him under cultivation within a period of two years from the vesting date subject to the further condition that at least one-half of such excess grass land shall be brought under cultivation within a period of one year from the vesting date:

Provided that if (for reasons beyond the control of the Alwaraholder or the Terem-holder or the tenant, as the case may be, proved to the satisfaction of the Collector on an application made by him in this behalf) one-half of the excess grass land could not be brought under cultivation in the first year, the Collector may grant permission to bring under cultivation in the second year such area of the excess grass land as has not been brought under cultivation in the first year:

Provided further that no such permission shall be granted after the expiry of a period of two years from the vesting date;

(c) that on failure to comply with the provisions of clause (b), the occupancy rights in respect of the grass land which remains uncultivated and which is in excess of the extent of grass land which can be possessed as such under clause (a), shall, on the expiry of a period of two years from the vesting date, stand forfeited to the Government free from all encumbrances and the provisions of sections 5, 21 and 22 shall apply to such land.

(3) Notwithstanding anything contained in sub-section (2), if the Administrator is satisfied that, having regard to the nature of any grass land, it is not practicable to bring such land or any part thereof under cultivation in accordance with the provisions of sub-section (2) he may, by order, for reasons to be recorded in writing, exempt such land or part thereof from the operation of that sub-section and thereupon occupancy rights in such land shall be deemed to have been granted to the Alwaraholder or the Terem-holder or the tenant, as the case may be, as if he has fulfilled the conditions specified in sub-section (2).

(4) For the purpose of clause (c) of sub-section (1), where an Alwaraholder or a Terem-holder, being a person under disability, has leased out any land possessed by him as such or any part thereof to a tenant, such Alwara-holder or Terem-holder, as the case may be, and not the tenant, shall be deemed to have personally cultivated such land or part thereof if,--

(i) immediately before the time of granting the lease, such land or part thereof was under his personal cultivation;

(ii) at the time of granting the lease, there was no male member in his family who could undertake the personal cultivation of such land or part thereof; and

(*iii*) at the time of granting the lease, he was a person under disability and continues to be so up to and inclusive of the vesting date.

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(5) Notwithstanding anything contained in sub-section (1),-

(i) where at the commencement of this Regulation there is a dwelling house on any land referred to in clause (b) or clause (c) of sub-section (1), but not being land covered by the proviso to that sub-section, and such dwelling house together with the land appurtenant thereto is in the occupation of a cultivator or an agricultural labourer or a village artisan, then, the occupancy rights in respect of such dwelling house and the land appurtenant thereto shall be deemed to have been granted to the person in such occupation;

(*ii*) where a tenant possessed any land under his personal cultivation and the site of any farm-building on such land on the appointed day but not so on the vesting date and such tenant has been restored to possession of such land or part thereof or such farm-building under section 43, then, the occupancy rights in respect of such land or part thereof or such farm-building shall be deemed to have been granted to such tenant with effect from the date of restoration and the occupancy right, if any, granted to any person in respect of such land or part thereof or such farm-building shall cease to be effective from that date.

(6) No person shall transfer by way of sale, lease, mortgage, exchangeor otherwise, any agricultural land, including any part thereof, in respect of which occupancy rights are deemed to have been granted to him under this section except in accordance with such rules as may be made in this behalf.

(7) Any transfer of land made in contravention of the provisions of sub-section (6) shall be void and the occupancy rights in respect of the land so transferred shall stand forfeited to the Government.

(8) Any reference in this section to a "tenant" shall be deemed to include a reference to a person in possession of the land under a mortgage from a tenant.

Grant of land on temporary lease. 5. Notwithstanding anything contained in section 9, on and from the vesting date, all lands which have vested in the Government under section 3 and which are possessed by any person and in respect of which no occupancy rights are deemed to have been granted under section 4, shall be possessed by that person as a temporary lessee under the Government on such terms and conditions, including payment of rent, as may be prescribed, and any such land may be resumed by the prescribed authority in accordance with the provisions of this Regulation.

Re-attachment of encumbrances.

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6. (1) If any land which immediately before it vests in the Government under section 3 was subject to a mortgage, other than a mortgage with possession, or other encumbrance and the occupancy rights in respect of such land are deemed to have been granted under section 4 to the mortgagor or other encumbrancer, then, save as otherwise provided in sub-section (2), such mortgage or other encumbrance shall again attach itself on the land and the mortgagee or the holder of the other encumbrance, as the case may be, shall exercise his rights accordingly.

(2) Where in respect of any land, occupancy rights are deemed to have been granted under section 4 to a mortgagee in possession of such land, the liability of the mortgager to repay the mortgage money advanced by the mortgagee in possession of such land shall stand extinguished.

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CHAPTER III

CEILING ON POSSESSION OF LAND

7. Nothing contained in this Chapter shall apply to the following Exemption. classes of land, namely: ---

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(a) land which is not used or capable of being used for the purpose of agriculture;

(b) land belonging to or held by the Central Government or any State Government;

(c) land belonging to or held by a corporation, including a company, owned or controlled by the Central Government or any State Government;

(d) land belonging to a local authority or held on lease by or from such authority;

(e) land held or leased by a Land Mortgage Bank; and

(f) land held by a farming society.

8. The ceiling area of land for the purposes of this Regulation shall be Ceiling area 10 hectares.

9. (1) Subject to the provisions of this section and section 10, no person shall possess land in excess of the ceiling area, whether as an occupant of land in or a tenant or a mortgagee-with-possession or in any other capacity or capacities or partly in one capacity and partly in another, and the-land so possessed in excess shall vest in the Government free from all encumbrances.

(2) For the purposes of this section, in the case of a person who is a member of a joint family or a farming society, the extent of land which such person would get as his share if the land possessed by such joint family or farming society is partitioned or divided, as the case may be, shall also be deemed to be land possessed by such person.

(3) Where a family or joint family consists of more than five members, such family shall be entitled to possess land in excess of the ceiling area to the extent of one-fifth of the ceiling area for each member in excess of five; so, however, as not to exceed twice the ceiling area in the aggregate.

Explanation. For the purpose of this sub-section "family" means a person, his or her spouse, their minor sons and unmarried daughters.

(4) Where a person, his or her spouse, minor son or unmarried daughter possesses any land, the entire land so possessed by them shall be grouped together and the provisions of this Chapter shall apply to the total land so grouped together as if such land had been possessed by one person.

(5) Where an application has been made by any person under section 7 of the Free Dadra and Nagar Haveli Tenancy and Agricultural Lands Ordinance, 1961, and such application is pending disposal at the commencement of this Regulation, then, for so long as such application is not finally disposed of the extent of the land in relation to which such application has been made shall not be taken into account-for-the-purpose of determining the ceiling area of land under this section in respect of that person.

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THE GAZETTE OF INDIA EXTRAORDINARY

[PART II---

Effect of transfers and partitions after the appointed day.

10. (1) Notwithstanding anything contained in any law for the time being in force, in determining the extent of land possessed by a person for the purpose of determining the ceiling area-

(a) all transfers whether by way of sale, gift, mortgage with possession, exchange, lease, surrender or otherwise, and

(b) all sub-divisions whether by partition or otherwise,

made by him on or after the appointed day, but before the commencement of this Regulation, shall be ignored:

Provided that any transfer of land made under article 27 of Organizacao Agraria shall not be ignored:

Provided further that where any such sub-division has been effected by metes and bounds, between the appointed day and the commencement of this Regulation, following the death of the person who held the land so sub-divided or as a consequence of any order of a Court where any suit for partition had been pending on the appointed day, any person interested may apply to the Collector within such period as may be preseribed for a declaration that such sub-division shall not be ignored under this sub-section.

(2) Where an application has been made to the Collector under the second proviso to sub-section (1), the Collector shall, after notice to the parties interested, inquire into the matter and if after such inquiry, and after hearing the parties concerned, he is satisfied that the sub-division was effected in the circumstances mentioned in that proviso, make a declaration to that effect and where he is not so satisfied, reject the application.

Future acquisition.

11. (1) The foregoing provisions of this Chapter shall mutatis mutandis apply in respect of lands acquired subsequent to the commencement of this Regulation by any person through inheritance, bequest, gift, family settlement, purchase, surrender, lease or otherwise.

(2) Where any person acquires land as aforesaid which together with the land, if any, held by him immediately before such acquisition exceeds the ceiling area, he shall within ninety days of such acquisition, file a statement before the prescribed authority giving the particulars of the land held by him including the land so acquired, in such manner as may be prescribed and the provisions of section 22 shall, so far as may be, apply in respect of such statement as if it had been filed under section 21.

(3) No document incorporating any transaction for the acquisition of any land in any of the modes specified in sub-section (1) shall be registered unless a declaration in writing, duly verified, is made and filed by the person who acquires such land before the authority registering the document under the Indian Registration Act, 1908, as to the total extent 16 of 1908. of the land possessed by him on the date of such registration.

(4) Every declaration under sub-section (3) shall be in duplicate and the registering authority shall, as soon as may be, forward a copy thereof to the prescribed authority within whose jurisdiction the land so acquired is situated. 12. (1) Every person who possesses land in excess of the ceiling area Selection of shall, within such period and in such manner as may be prescribed, inti- land for mate to the prescribed authority the particulars of the land possessed by within the him and specify the land which he wants to retain and the prescribed celling area. authority may, after such inquiry as it deems fit, by order, specify the land which such person is entitled to retain within the ceiling area:

Provided that where the whole or part of the land possessed by such person is subject to an encumbrance, then, the land to be retained by such person shall include the land so encumbered up to the extent of the ceiling area.

(2) If any person fails to intimate the particulars specified in subsection (1) within the prescribed period, the prescribed authority may, after making such inquiry as it deems fit and after hearing such person, by order, specify, subject to the proviso to sub-section (1), the land which such person is entitled to retain within the ceiling area.

CHAPTER IV

COMPENSATION AND OCCUPANCY RIGHTS

13. (1) There shall be paid compensation in respect of every land Payment of which vests in the Government under Chapter II:

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Provided that no such compensation shall be payable to an Alwara-ing under holder or a Terem-holder for any land in respect of which occupancy rights are deemed to have been granted to the Alwara-holder or Teremholder, as the case may be.

(2) In the case of any land in respect of which an Alwara has been granted, the compensation payable to the Alwara-holder shall be an amount equal to—

(i) fifty-five times the annual land revenue assessment payable in respect of that land, where occupancy rights are not deemed to have been granted to any person under Chapter II; and

(*ii*) thirty-six times the annual land revenue assessment payable in respect of that land, where occupancy rights are deemed to have been granted to any person under Chapter II.

(3) In the case of any land in respect of which a Terem has been granted, the compensation payable to the Terem-holder shall be an amount equal to—

(i) eighteen times the annual land revenue assessment payable in respect of that land, where occupancy rights are not deemed to have been granted to any person under Chapter II; and

(*ii*) twelve times the annual land revenue assessment payable in respect of that land, where occupancy rights are deemed to have been granted to any person under Chapter II.

(4) Where—

(i) occupancy rights in respect of any grass land are deemed to have been granted to any person under clause (b) of sub-section (1) of section 4 and such occupancy rights subsequently stand forfeited to the Government under clause (c) of sub-section (2) of that section; or

[PART II---

(ii) occupancy rights in respect of any land or part thereof or any farm-building on such land are deemed to have been granted to any person on the vesting date and such occupancy rights subsequently cease to be effective under clause (ii) of sub-section (5) of section 4,

then, there shall be paid compensation to the person who is divested of such occupancy rights, and the compensation so payable, in either case, shall be an amount equal to the compensation which would have been payable to such person had no such occupancy rights been deemed to have been granted to him on the vesting date.

(5) Where on the vesting date, there is any building or other structure on any land in respect of which an Alwara or a Terem has been granted and in respect of which compensation is payable under this section, the compensation so payable shall be increased by an amount equal to the value of such building or structure which may be determined by the prescribed authority in accordance with such rules as may be prescribed.

Compensation for lands in excess of the celling ares.

14. There shall be paid compensation in respect of every land which vests in the Government under Chapter III and such compensation shall be an amount equal to fifty-five times the annual land revenue assessment payable in respect of the land and the provisions of sub-section (5) of section 13 and section 16 shall, so far as may be, apply in relation to such land as they apply in relation to any land in respect of which an Alwara or Terem has been granted.

15. Subject to the provisions of section 16, the compensation payable under section 14 shall be paid to the person or persons entitled thereto.

16. (1) In the case of any land held by a tenant in respect of which an Alwara or a Terem has been granted and in respect of which occupancy rights are not deemed to have been granted to the tenant under section 4, the compensation payable in respect of such land shall, subject to the provisions of sub-sections (2) and (3), be apportioned between the Alwara-holder or the Terem-holder, as the case may be, and the tenant in the ratio of 2: 1.

(2) Where there is any building or other structure on any land in respect of which compensation is payable under sub-section (5) of section 13 the compensation payable in respect of such building or structure shall, subject to the provisions of sub-section (3), be paid to the Alwara-holder or the Terem-holder or the tenant or other person who has a proprietary or other interest in the building immediately before the vesting date, as the case may be.

(3) Where the land or building or other structure, in respect of which compensation is payable under this Chapter, is subject to any encumbrance, the value of the encumbrance shall be deducted from the amount of compensation payable to the person liable for the encumbrance and shall be paid to the holder of the encumbrance:

Provided that where the value of such encumbrance is more than the amount of compensation, the amount of compensation so payable shall be distributed among the holders of the encumbrance in their order of priority.

Persons to whom compensation is payable.

Apportionment of compensation and amount of encumbrances.

THE GAZETTE OF INDIA EXTRAORDINARY SEC. 1]

17. The compensation payable under the foregoing provisions of this Manner of Chapter shall be paid in cash either in one lump or in annual instalments, payment of compensanot exceeding five, together with interest, from the vesting date or, as the tion. case may be, from the date on which the lands in respect of which such compensation is payable vested in the Government, on the unpaid balance at the rate of six per cent. per annum.

18. (1) Every person to whom occupancy rights are deemed to have Occupancy been granted in respect of any land under section 4, shall be liable to pay ble to Gov to the Government occupancy price to the extent hereinafter provided, ernment. namely:---

(i) in respect of any land in which occupancy rights are deemed to have been granted to the Alwara-holder of that land, no occupancy price shall be payable;

(*ii*) in respect of any land in which occupancy rights are deemed to have been granted to the Terem-holder, the occupancy price payable shall be eighteen times the annual land revenue assessment payable in respect of that land; and

(iii) in respect of any land in which occupancy rights are deemed to have been granted to the tenant and in respect of any dwelling house and the land appurtenant thereto in which occupancy rights are deemed to have been granted to a cultivator or an agricultural labourer or a village artisan, the occupancy price payable shall be thirty-six times the annual land revenue assessment payable in respect thereof.

(2) Where the person to whom occupancy rights are deemed to have been granted under sub-section (1) of section 4 is a member of a Scheduled Caste or Scheduled Tribe, the occupancy price payable under sub-section (1) in respect of such land shall be reduced to one-half of the amount payable.

(3) Where on any land in which occupancy rights are deemed to have been granted under sub-section (1) of section 4 to a person there is any building or structure in respect of which compensation is payable under sub-section (5) of section 13 to any other person, the occupancy price payable under sub-section (1) shall be increased by an amount equal to the value of such building or structure determined under the said subsection (5).

19. Where any person had paid any occupancy price under section 18 Refund of and the occupancy rights in respect of which such price had been paid occupancy price in cease to be effective---ertain

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(i) by reason of forfeiture of occupancy rights in respect of any grass land to the Government under clause (c) of sub-section (2) of section 4; or

(ii) under clause (ii) of sub-section (5) of section 4,

then, the occupancy price paid by such person shall be refunded to him after deducting the land revenue due if any, under the land Revenue Regulation (in respet of the land in which occupancy rights were granted) for the period for which such occupancy rights had been enjoyed by him.

Mode of payment of occupancy price,

20. (1) The occupancy price payable under section 18 in respect of any land shall be paid in annual instalments not exceeding six in number, the amount of each such instalment being not less than—

(a) the annual land revenue assessment payable in respect of the land, where the same is payable by a member of a Scheduled Caste or Scheduled Tribe; or

(b) twice such assessment, in any other case.

(2) Where the occupancy price is paid in instalments as specified in sub-section (1), such instalments shall be paid along with the annual land revenue assessment, and the first instalment shall become due for payment before the expiration of the revenue year immediately following,—

(i) the date of the order made by the prescribed authority under section 25; or

(*ii*) where an appeal has been filed against such order, the date of decision in such appeal.

(3) Where a person liable to pay occupancy price is also entitled to receive any amount by way of compensation under the provisions of this Regulation, he may, subject to such conditions and in such manner as may be prescribed, adjust the occupancy price against the compensation.

CHAPTER V

PROCEDURAL MATTERS

Notice to furnish particulars. 21. (1) As soon as may be after the commencement of this Regulation, the prescribed authority shall publish or cause to be published a public notice in the prescribed manner in each village calling upon every Alwaraholder, Terem-holder, tenant or other person interested in any land to file before him within the prescribed period a statement giving the details of such land, his rights therein and such other particulars, in such form as may be prescribed, so as to enable such authority to determine any matter which has to be determined under this Regulation.

(2) Upon the publication of the notice under sub-section (1), every Alwara-holder, Terem-holder, tenant or other person interested in any land shall be deemed to have received notice as specified in that sub-section.

(3) Without prejudice to the provisions contained in sub-section (2), the prescribed authority may issue individual notices to any Alwaraholder, Terem-holder, tenant or other person referred to in sub-section (1) calling upon him to file a statement as required under that sub-section within such period as may be specified in the notice.

(4) Any person who was interested in any land immediately before the appointed day as an Alwara-holder, Terem-holder, tenant or in any other capacity has transferred any such land after the said date shall also be deemed to be a person interested in the land for the purpose of subsections (1), (2) and (3).

(5) Where any person fails to file a statement as required under the foregoing provisions of this section, within the period prescribed therefor

THE GAZETTE OF INDIA EXTRAORDINARY SEC. 17

or furnishes inadequate particulars, the prescribed authority may obtain, in such manner as may be prescribed, the necessary information directly or through any agency.

22. (1) The prescribed authority shall, as soon as may be after the Enquiry by filing of the statement or obtaining the information under section 21, give authority. to the person interested in the land a reasonable opportunity of making representation and adducing evidence, if any, in support of such statement or information and after considering such representation and evidence and making such further enquiry as it may consider necessary, pass such order as it may deem fit, determining the following matters, namely: -

(a) the land in respect of which an Alwara or Terem, has been granted (hereafter in this sub-section referred to as "the said land");

(b) the forest or grass land comprised in the said land;

(c) the agricultural land included within the limits of a village site and comprised in the said land;

(d) whether there is any dwelling house in the said land and, if so, the land appurtenant thereto and the person entitled to occupancy rights in respect thereof;

(e) the land selected by such person for retention under section 12;

(f) the land in which the Alwara-holder or the Terem-holder or the tenant, as the case may be, is entitled to occupancy rights under sub-section (1) of section 4;

(g) the land in excess of the ceiling area possessed by such person;

(h) the land which an Alwara-holder or a Terem-holder or tenant or a mortgagee in possession is entitled to possess as a temporary lessee under section 5;

(i) the land which is encumbered, the amount involved and the names and other particulars of persons in whose favour the land stands encumbered;

(j) the land in respect of which a tenant is entitled to restoration under section 43; and

(k) any other matter which is necessary or relevant for carrying out the purposes of this Regulation.

(2) The order of the prescribed authority under sub-section (1) shall be communicated to the person or persons concerned in such manner as may be prescribed.

23. (1) The prescribed authority may, at any time, after the vesting Resumption date and after notice to the person possessing any land as a temporary of land held lessee under section 5, make an order directing resumption of such land. porary lesse.

(2) On the making of an order in respect of any land under sub-section (1), such land may be taken possession of by the prescribed authority:

Provided that if there is any standing crop on such land, the prescribed authority shall take possession of such land only after a reasonable

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opportunity has been given to the person in possession of such land to harvest the same.

(3) No order under sub-section (1) shall be made in respect of a temporary lessee of any agricultural land situated within the limits of a village site unless it is declared by the Administrator, by notification in the Official Gazette, that the resumption of such land is necessary in the public interest.

24. (1) Any person who is entitled to claim any compensation or any part thereof under section 13 or section 14 or section 16 may make an application to the prescribed authority in such form and within such period as may be prescribed.

(2) On receipt of an application under sub-section (1), the prescribed authority shall, after giving notice to all persons who may be interested in the compensation amount and after making such enquiry as it may deem fit and giving a reasonable opportunity to the persons interested to make a representation in regard thereto, decide the amount of compensation, payable in accordance with Chapter IV, to each of the persons entitled thereto.

25. (1) As soon as may be after the vesting date, the prescribed authority shall issue notice to every person who is liable to pay occupancy price under section 18, in such form and in such manner as may be prescribed indicating the amount of occupancy price and the land in respect of which it is payable.

(2) Any person who has received notice under sub-section (1) may file an objection before the prescribed authority within such period as may be specified in the notice and where any such objection is filed, the prescribed authority shall, after making such inquiry as it may deem fit and after giving a reasonable opportunity for making representation to the person who has objected, and after considering such representation, if any, by order, determine the occupancy price payable and the land to which it relates.

CHAPTER VI

DISTRIBUTION OF SURPLUS LAND VESTED IN THE GOVERNMENT

Surplus land. 26. (1) For the purpose of this Chapter "surplus land" means-

(i) land which has vested in the Government under section 3 but in respect of which no occupancy rights have been or are deemed to have been granted under any provision of this Regulation;

(*ii*) agricultural land possessed by a person in excess of the ceiling area and vested in the Government under Chapter III; and

(*iii*) land relinquished by the occupant thereof under section 53 of the Land Revenue Regulation.

(2) From out of the surplus lands, the Government may retain-

(i) all lands which fall within the limits of a village site;

(ii) forest lands; and

(*iii*) any other land which, in the opinion of the prescribed authority, is necessary to be retained for expansion of a village site or for any other public purpose.

Claims for compensation.

Payment of occupancy price.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

27. (1) The prescribed authority may, subject to such rules as may be Allotment made in this behalf, allot surplus lands as are fit for agriculture and are of surplus land. not retained under sub-section (2) of section 26, in the following order of priority, namely:---

(i) any person who is a member of the Scheduled Tribes and is a landless person;

(ii) any person who is a member of the Scheduled Castes and is a landless person;

(iii) any dependent of a member of the Armed Forces of the Union who was killed in action provided that such dependent is a landless person or a small holder and is capable of carrying on personal cultivation;

(iv) any serving member of the Armed Forces of the Union or any ex-Serviceman who, in either case, is a landless person and is capable of carrying on personal cultivation.

Explanation.—For the purpose of this clause "ex-Serviceman" means a person who has been a member of the Armed Forces of the Union but does not include a person who has ceased to be a member of the Armed Forces as a result of his being duly dismissed or discharged after court-martial or on account of bad character or as a result of desertion;

(v) any person who has been rendered landless as a result of grant of occupancy rights to his tenants under section 4;

(vi) any person who has been rendered landless as a result of acquisition of his land for a public purpose;

(vii) any other landless person;

(viii) any person who is a member of the Scheduled Tribes and is a small holder;

(ix) any person who is a member of the Scheduled Castes and is a small holder; and

(x) any other small holder.

(2) Notwithstanding anything contained in sub-section (1), where there is a farming society comprising persons belonging to any category as aforesaid, such society shall be given preference in the matter of allotting land to that category of persons.

(3) The prescribed authority shall not allot to any person land in excess of one-fifths of the ceiling area including any other land possessed by that person:

Provided that where the allottee is a farming society, only so much land shall be allotted, which together with the extent of other lands held by its members, shall not exceed in area one-fifths of the ceiling area multiplied by the total number of members of the society.

(4) Subject to the provisions of sub-section (3), the prescribed authority shall allot land in accordance with such rules as may be prescribed.

28. (1) Every person to whom any land has been allotted under sec-Allottees have t on 27 shall have occupancy rights over such land from the date of such rights of occupants. allotment:

Provided that no such person shall transfer by way of sale, mortgage, exchange, gift/lease or otherwise, the land so allotted to him except in accordance with such rules as may be prescribed.

(2) Any transfer of land in contravention of the proviso to sub-section (1) shall be void.

Occupancy

29. (1) Every person to whom any land has been allotted under secby allottees. tion 27, shall be liable to pay to the Government occupancy price to the extent and in the manner hereinafter provided.

(2) The occupancy price payable shall be equal to—

(a) eighteen times the annual land revenue assessment payable in respect of the land allotted, where the allottee is a member of a Scheduled Caste or Scheduled Tribe, and

(b) thirty-six times such assessment, in any other case.

(3) The occupancy price payable under sub-section (2) shall be paid by the allottee in equal annual instalments not exceeding twelve in number, along with the land revenue payable in respect of such land, and the first instalment shall be payable before the first day of the revenue year immediately following the expiration of a period of five years from the date of allotment.

Munagement of surplus land not distributed.

30. In respect of surplus lands which are not allotted under section 27, the Administrator may, having regard to public interest, frame such rules as he may deem fit for the management or disposal of such lands.

CHAPTER VII

TENANCIES

Provisions of Chapter not to apply for nonagricultural purposes

31. Nothing contained in this Chapter shall apply to any land or part thereof used, or capable of being used, for any purpose other than for to lands used the purposes of agriculture.

> 32. (1) As from the commencement of this Regulation, no person shall lease out any land unless at the time of granting the lease be is a person under disability and there is no male member in the family who could undertake the personal cultivation of such land.

> (2) Where a lease of land has been granted by a person under disability in whose family there was no male member who could undertake the personal cultivation of such land at the time of granting the lease and such lease is subsisting at the commencement of this Regulation, then, such lease shall be deemed to be a lease granted under sub-section (1) as from such commencement.

> (3) Every lease of land granted or deemed to be granted under this section shall be for a period of three years and at the end of the said period and thereafter at the end of every period of three years, the tenancy shall be deemed to have been renewed for a further period of three years on the same terms and conditions unless the person who granted the lesse has, in the opinion of the prescribed authority, ceased to be a person under disability before the date from which the lease is deemed to have been renewed as aforesaid and notice in writing has been given by the prescribed authority to the tenant before the said date intimating him that such person has ceased to be a person under disability.

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THE GAZETTE OF INDIA EXTRAORDINARY SEC. 1]

(4) Notwithstanding anything contained in the foregoing sub-sections, a member of the Armed Forces of the Union may, on his discharge from service or posting to the reserve, resume any land held under him on lease within one year of such discharge or posting by giving not less than three months notice in writing thereof to the tenant of such land:

Provided that any land having standing crops thereon shall be resumed under this sub-section only after a reasonable opportunity has been given to the person in possession of such land to harvest the same.

33. No surrender of land made by a tenant shall be valid unless it is Surrender. made in writing and no such surrender shall take effect unless the same is admitted by the tenant before the prescribed authority.

34. (1) No landlord shall disposses this tenant except by way of Fenants not resumption or eviction in accordance with the provisions of this possessed. Regulation.

(2) Any landlord who contravenes the provision of sub-section (1) shall, on conviction, be punishable with fine which may extend to two hundred and fifty rupees and the possession of the land shall be restored to the tenant or where the tenant is not willing to take possession of the land, such land may be leased out by the prescribed authority on behalf of the landlord in such manner and subject to such conditions (including a condition as to the payment of rent to the landlord) as may be prescribed, and every such lease shall be deemed to be a lease granted under section 32.

35. Notwithstanding anything contained in any law for the time Rent payable being in force or in any contract or custom or usage or in any decree or tenant. order of a Court, the rent payable annually by a tenant in respect of any land held by him shall not exceed an amount equal to four times the annual land revenue assessment payable in respect of that land and the tenant shall not be liable to pay rent in kind or to any customary dues or to render any service.

36. (1) Every landlord shall give or cause to be given a receipt for the Receipt for rent received by him or on his behalf in such form as may be prescribed, payment of rent. duly signed by him or his authorised agent.

(2) Every payment made by a tenant to the landlord shall be presumed to be payment on account of the rent due from such tenant for the year in which the payment is made unless the tenant has given an express intimation in writing to the contrary to the landlord.

37. (1) Where any landlord recovers from a tenant rent in excess of Refund of the amount due in accordance with the provisions of this Regulation, the excess rent tenant may, within such period as may be prescribed, make an applica- for recovery tion to the prescribed authority for the refund of the excess amount so of excess rent. recovered.

(2) On receipt of an application under sub-section (I), the prescribed authority may, after giving the landlord and the tenant an opportunity of being heard, pass such order as it deems fit for the refund of the amount, if any, recovered in excess and thereupon the landlord shall be liable to make such refund to the tenant,

(3) If any landlord recovers from a tenant rent in excess of the amount due in accordance with the provisions of this Regulation, he shall also be liable to the penalty as provided in this Regulation.

Eviction of tenant.

38. (1) During the period of operation of any lease granted or deemed to have been granted under this Chapter, no tenant of a land shall be liable to be evicted therefrom or any part thereof by his landlord or by any person claiming through or under him, except on application made by the landlord to the prescribed authority and under the orders of the prescribed authority on any one or more of the following grounds, namely:--

(a) that the tenant uses or attempts to use land or part thereof for a purpose other than agricultural purpose; or

(b) that the tenant intentionally neglects to take steps within reasonable time to cultivate the land for two consecutive agricultural seasons; or

(c) that the tenant has intentionally committed acts of waste injurious to the land; or

(d) that the tenant defaults in making payments of the rent which has accrued due within twelve months of the date on which it fell due.

(2) On receipt of an application under sub-section (1), the prescribed authority may, after giving the parties an opportunity of being heard in the matter, make such order as it deems fit in the circumstances of the case.

(3) Every order made by the prescribed authority under sub-section (2) for the eviction of a tenant shall be deemed to be a decree of a civil court and shall be executable as such.

(4) No order for the eviction of a tenant from any land having standing crops thereon shall be executed unless a reasonable opportunity has been given to the person in possession of such land to harvest the same.

Deposit of rent

39. (1) A tenant may deposit with the prescribed authority any rent payable by him to the landlord, along with an application in such form as may be prescribed.

(2) On receipt of an application under sub-section (1), the prescribed authority shall cause notice of every deposit to be issued to the landlord and after making such inquiry as it may deem fit, determine whether the amount represents the correct amount of the rent due and if such authority finds that any further sum is due, it shall allow the tenant such time not exceeding three months as it may deem fit for depositing the balance together with such costs of the proceedings as such authority may order and if it finds that no further amount is due, or if the tenant deposits within the time allowed such further sum as is ordered by such authority, the tenant shall be deemed to have paid rent within the period specified in sub-clause (d) of clause (1) of section 38.

THE GAZETTE OF INDIA EXTRAORDINARY ŠEC. 1]

40. (1) Where a landlord has obtained from, or been granted by, the Remission and sus-Government any relief by way of suspension or remission of the whole pension of or part of the annual land revenue assessment payable in respect of his rent. land, the landlord shall be bound to give and the tenant of the land shall be entitled to receive from the landlord corresponding or proportionate relief, by way of suspension or remission, as the case may be, of rent payable in respect of such land.

(2) The nature and extent of the relief which a landlord is bound to give and which a tenant is entitled to receive under sub-section (1) shall be determined by the prescribed authority in such manner as may be prescribed.

(3) No suit shall lie and no decree of a civil court shall be executed for the recovery by the landlord of any rent the payment of which has been remitted or during the period for which the payment of such rent has been suspended under this section.

(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 landlord recovers from a tenant rent without giving relief to the tenant as provided in sub-section (1), he shall be liable to refund to the tenant the amount so recovered by him and shall also be liable to the penalty as provided in this Regulation.

41. (1) Every person lawfully cultivating any land of another person Certain shall be deemed to be the tenant of that land if such person is not-

persons to be deemed to be tenants

(a) a member of the family of such other person; or

(b) a hired labourer or a servant on wages (payable in cash or in kind but not as a share of the produce) who cultivates the land under the personal supervision of-

(i) such other person or of any member of such other person's family; or

(*ii*) where such other person is a person under disability, a paid employee of such other person.

(2) In the event of a dispute as to whether a person cultivating the land is a tenant within the meaning of sub-section (1), the same shall be decided by the prescribed authority on an application made to it by the tenant or the landlord or any other person interested in the land.

42. (1) Where any land has been leased out by any person in contra- Tenants to vention of the provisions of this Chapter or where any land is not re- get occusumed by the landlord within a period of one year of the landlord ceasing in certain to be a person under disability, then, the tenant in respect of that land cases. shall be entitled to get occupancy rights over that land.

(2) Any tenant entitled to get occupancy rights under sub-section (1) may make an application to the prescribed authority in such form and containing such particulars as may be prescribed.

(3) After the receipt of an application under sub-section (2), the prescribed authority may make such inquiry as it deems fit and after giving an opportunity to the landlord and the tenant to be heard in the matter, if the prescribed authority is satisfied that the tenant is entitled to

get occupancy rights over the land, it may pass an order accordingly and thereupon the tenant shall be deemed to be the occupant of that land.

(4) Every tenant who is deemed to be the occupant of any land under this section shall be liable to pay compensation to the landlord calculated at thirty-six times the annual land revenue assessment payable in respect of that land.

(5) The compensation payable under this section shall be paid in cash either in one lump or in annual instalments, not exceeding five, together with interest from the date on which he is deemed to be the occupant of the land on the unpaid balance at the rate of six per cent. per annum.

(6) The compensation payable under this section shall be a charge on the land.

CHAPTER VIII

Miscellaneous

Restoration of possession of land S in certain S cases. t

Appeal

against orders of prescribed authority. 43. (1) Where a tenant of any land has on or after the appointed day, surrendered, or been evicted from, such land or any part thereof and such surrender or eviction could not have taken place if the provisions of Chapter VII of this Regulation were in force and were applicable to such tenant on the date of such surrender or eviction, the prescribed authority may suo motu or on an application made within the prescribed period by the person who was the tenant, restore him to possession of the land or part thereof which he surrendered or from which he was evicted unless some other tenant, not being a member of the family of the landlord who evicted him, had bona fide been admitted to possession of such land and continues to be in such possession:

Provided that a tenant who has been evicted in accordance with the provisions contained in the Free Dadra and Nagar Haveli Tenancy and Agricultural Lands Ordinance, 1961, shall not be entitled to restoration under this section.

(2) Any application made under section 7 of the Free Dadra and Nagar Haveli Tenancy and Agricultural Lands Ordinance, 1961, which is pending disposal at the commencement of this Regulation shall be deemed to be an application made under sub-section (1) and shall be disposed of accordingly.

(3) The prescribed authority shall, before making an order under subsection (1) make such enquiry as it may deem fit and give an opportunity to the landlord to represent his case.

44. (1) An appeal shall lie to the Collector against every order of the prescribed authority made under any of the provisions of this Regulation.

(2) Every appeal under sub-section (1) shall be filed within such period as may be prescribed and shall be accompanied by a certified copy of the order appealed against.

(3) The Collector shall, after giving the appellant an opportunity to represent his case and after making such enquiry, as he may deem fit, confirm, vary or reverse the order.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

45. (1) An appeal shall lie to the Administrator or to any person autho-Appeal to rised by him in this behalf, against every order passed by the Collector Administrator. other than an order passed by him in appeal under this Regulation.

(2) Every appeal under sub-section (1) shall be filed within such period as may be prescribed and shall be accompanied by a certified copy of the order appealed against.

(3) The Administrator or the person so authorised, as the case may be, shall, after giving the appellant an opportunity to represent his case and after making such enquiry, as he may deem fit, confirm, vary or reverse the order.

46. The Administrator or any person authorised by him in this behalf Revision. may call for the records of any case, in which an order has been passed by the Collector and wherefrom no appeal has been filed under section 45, suo motu or on an application made within the prescribed period, and the Administrator or the person so authorised may pass such orders thereon as he may deem fit:

Provided that no order shall be passed adversely affecting any person unless an opportunity to represent his case has been given to that person.

47. No suit or other proceeding shall lie or be instituted in any civil Jurisdiction of civil court with respect to any matter arising under or provided for by this courts excluded.

Provided that if in a dispute between the parties a question of title is involved, a civil suit may be brought for the adjudication of such question.

48. The prescribed authority shall have the powers of a civil court Powers of prescribed while trying a suit under the Code of Civil Procedure, 1908, in respect authority. of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) any other matter which may be prescribed.

49. Any amount due to the Government under this Regulation, if not Recovery of amounts paid as provided therein, shall be recoverable as an arrear of land due as an arrear

revenue.

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THE GAZETTE OF INDIA EXTRAORDINARY

PART II-

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Assessment for the purpose of calculating compensation and occupancy price.

50. Any reference in this Regulation to the annual land revenue assessment payable in respect of any land shall, in relation to the determination of compensation or occupancy price in respect of that land, be construed as a reference to the land revenue assessed under the Land Revenue Regulation in respect of that land and in force on the vesting date or on the date of restoration referred to in clause (ii) of subsection (5) of section 4 or on the date on which the lands in excess of the ceiling area vest in the Government or the date on which the surplus lands are allotted under section 27 or on the date on which the tenant is deemed to be the occupant of the land under section 42, as the case may be.

Regulation to override other laws.

51. The provisions of this Regulation shall have effect notwithstanding anything to the contrary contained in any other law, custom, or usage or agreement or decree or order of Court.

every application, appeal or other proceeding under this Regulation

no penalty has been otherwise provided for therein shall be punishable

52. Notwithstanding anything contained in the Court Fees Act, 1870, 7 of 1870.

Court fees.

General provision as to penalties.

Protection of action taken in good faith;

Power to remove difficulties. 54. No suit, prosecution or other legal proceeding shall lie-

shall bear a court fee stamp of such value as may be prescribed.

with fine which may extend to five hundred rupees.

(a) against any officer of the Government for anything in good faith done or intended to be done under this Regulation;

53. Whoever contravenes any provision of this Regulation for which

(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.

55. If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order, do anything not inconsistent with such provisions which may appear to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the date of publication of this Regulation.

Power to make rules.

56. (1) The Administrator may by notification in the Official Gazette, 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) regulating the transfer of any land in respect of which occupancy rights are deemed to have been granted under section 4;

(b) the terms and conditions on which lands may be held by a person as temporary lessee under section 5;

(c) the period within which any person interested may apply to the Collector for a declaration under the second provise to subsection (1) of section 10;

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(d) the manner of filing the statement under sub-section (2) of section 11;

(e) the period within which, the authority to which and the manner in which the particulars of the land held by a person may be intimated under section 12;

(f) the determination of the value of the building or structure under sub-section (5) of section 13;

(g) the conditions subject to which and the manner in which the occupancy price may be adjusted against the compensation under sub-section (3) of section 20;

(h) the manner in which a public notice may be published, the time within which the statement may be filed, the particulars to be given in the statement and the form in which the statement may be filed, under sub-section (1) of section 21;

(i) the manner of obtaining information under sub-section (5) of section 21;

(j) the manner in which the order of the prescribed authority may be communicated to the persons concerned under sub-section (2) of section 22;

(k) the form in which and the period within which a person entitled to claim any compensation or any part thereof under section 13 or section 14 or section 16, may apply under sub-section (1) of section 24;

(1) the form in which and the manner in which a notice may be issued under sub-section (1) of section 25;

(m) the allotment of surplus land under section 26;

(n) regulating the transfer of any land allotted under section 27;

(0) the management or disposal of unallotted surplus land under section 30;

(p) the manner in which land may be leased out by the prescribed authority under sub-section (2) of section 34;

(q) the form in which and the manner in which a receipt may be given under sub-section (1) of section 36;

(r) the period within which a tenant may make an application under section 37 for the refund of excess rent recovered by a landlord;

(s) the form of application under sub-section (1) of section 39;

(t) the manner in which the nature and extent of the relief referred to in section 40 may be determined under sub-section (2) of that section;

(u) the form in which and the manner in which a tenant may make an application for the grant of occupancy rights under section 42;

(v) the period within which and in the manner in which a tenant may make an application for restoration of any land under section 43;

(w) the period within which an appeal may be filed under subsection (2) of section 44 and sub-section (2) of section 45;

(x) the period within which an application for revision may be made under section 46;

(y) the value of the court fee stamps under section 52;

(z) any other matter which has to be, or may be, prescribed.

Repeal and eavings. 57. (1) On and from the date on which any provision of this Regulation is brought into force, all laws and orders or any part thereof as are relatable to the matters covered by such provision shall stand repealed.

(2) The repeal of any law or order or part thereof by sub-section (1) shall not affect—

(a) the previous operation of such law or order or part thereof or anything duly done or suffered thereunder;

(b) any right, privilege or liability acquired, accrued or incurred under such law or order;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against such law or order;

(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 or enforced and any such penalty, forfeiture or punishment may be imposed as if such law or order or part thereof had not been repealed.

(3) Subject to the provisions of sub-section (2), anything done or any action taken under any of the laws or orders or part thereof as would stand repealed under sub-section (1) shall, in so far as it is not inconsistent with any such provision of this Regulation as is brought into force, be deemed to have been done or taken under such provision.

(4) Any custom or usage prevailing at the time of the commencement of any provision of this Regulation and having the force of law shall, if such custom or usage is repugnant to or inconsistent with such provision, cease to be operative to the extent of such repugnancy or inconsistency.

> V. V. GIRI, President.

N. D. P. NAMBOODIRIPAD, Joint Sey. to the Government of India.

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ग्रसा थारण EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1 प्राधिकार ते प्रकाशित

PUBLISHED BY AUTHORITY

सं॰ 75] नई दिल्ली, मगलवार, दिसम्बर 21, 1971/अप्रहना 30, 1893 No. 75] NEW DELHI, TUESDAY, DECEMBER 21, 1971/AGRAHAYANA 30, 1893

इस भाग में भिन्न पृथ्ठ 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 AND JUSTICE

(Legislative Department)

New Delhi, the 21st December, 1971/Agrahayana 30, 1893 (Saka)

THE NORTH-EAST FRONTIER AGENCY (ADMINISTRATION) SUPPLEMENTARY REGULATION, 1971

No. 4 of 1971

Promulgated by the President in the Twenty-second Year of the Republic of India

A Regulation to make supplementary provisions for the administration of 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

1. (1) This Regulation may be called the North-East Frontier Agency Short (Administration) Supplementary Regulation, 1971.

Short title, extent and commencement.

Rup, Au 29 71925.

(2) It extends to the whole of the North-East Frontier Agency.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(685)

20.1. 1972 : vide Notifi, N. GSR 16 (E), dE. 6. 1-19.72 Gaz. of Sudia, Exty., PE. T. Neu. 3 G. M.S.

[PART !!--

Definitions. 2

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2. In this Regulation,---

(a) "Administrator" means the Governor of Assam acting as the agent of the President for the administration of the North-East Frontier Agency under sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution;

(b) "Agency Council" means the Agency Council constituted under section 57 of the North-East Frontier Agency Panchayat Raj Regulation, 1967 and functioning immediately before the commence- ³ of 1967. ment of this Regulation;

(c) "North-East Frontier Agency" shall have the meaning as signed to it in the North-East Frontier Areas (Administration) Regulation, 1954, 1 of 1954.

(d) "Pradesh Council" means the Pradesh Council constituted under section 3;

(e) "prescribed" means prescribed by rules made under this Regulation;

(f) "Zilla Parishad" means a Zilla Parishad constituted under section 51 of the North-East Frontier Agency Panchayat Raj Regulation, 1967. 3 of 1967.

CHAPTER II

PRADESH COUNCIL

Constitution of Pradesh Council and its composition.

3. As soon as may be after the commencement of this Regulation, there shall be constituted a Pradesh Council for the North-East Frontier Agency consisting of—

(a) the member of the House of the People representing the North-East Frontier Agency;

(b) the Vice-Presidents of all the Zilla Parishads;

(c) three representatives from each of the Zilla Parishads to be elected by the members thereof from amongst themselves in the prescribed manner;

(d) three persons to be nominated by the Administrator to provide representation for such tribes or communities as have not obtained any representation in the Council by virtue of the foregoing clauses.

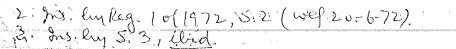
Cesser of membership in certain cases. (in clause (a g) j---

4. A person who becomes a member of the Pradesh Council by virtue 3 of clause (a) or clause (b) or clause (c) of section 3 shall cease to be such member when he ceases to be a member of the House of the People for a memory of a Vice-President of a Zilla Parishad or a member of the Zilla Parishad, of States as the case may be.

Disqualifications for nominated membership.

 5. A person shall be disqualified for being nominated as a member of the Pradesh Council under clause (d) of section 3 and for being a member of the Pradesh Council if he has incurred or incurs any of the disqualifications specified in section 7 of the North-East Frontier Agency Panchayat Raj Regulation, 1967, 3

3 of 1967.



6. The Pradesh Council, unless sooner dissolved, shall continue for Duration three years from the date appointed for its first meeting and no longer, of Pradesh and the expiration of the said period of three years shall operate as a Council. dissolution of the Pradesh Council:

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 of the Constitution is in operation, be extended by the Administrator, with the approval of the President, by order, for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

7. (1) Any member of the Pradesh Council elected or nominated under Resignaclause (c) or, as the case may be, under clause (d) of section 3 may tion of resign his office as such member by intimating in writing his intention to memberdo so to the Administrator and such resignation shall take effect from the ship and date of its receipt by the Administrator.

(2) A casual vacancy in the membership of the Council under clause (c) or clause (d) of section 3 shall be filled by election or nomination, as the case may be, in accordance with the provisions of this Regulation:

Provided that a member elected or nominated under this sub-section shall hold office only for the remainder of the term of office of the member in whose place he is elected or nominated.

8. Every member of the Pradesh Council shall, before taking his seat, Oath or make and subscribe before the Administrator or any other person appointed in that behalf by him an oath or affirmation, according to the members. form set out for the purpose in the First Schedule.

9. No act or proceeding of the Pradesh Council shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

filling up of casual vacancies.

tion by Vacancies, etc.,

not to invalidate acts or procee-dings of Pradesh Council.

10. (1) The Administrator shall, from time to time, summon the Pra- Session of desh Council to meet at such time and place as he thinks fit, but six Pradesh months shall not intervene between its last sitting in one session and the Council. date appointed for its first sitting in the next session.

(2) The Administrator may, from time to time,-

(a) prorogue the Pradesh Council;

(b) with the approval of the President, dissolve the Pradesh Council.

11. (1) The Pradesh Council may discuss and make recommendations Functions to the Administrator on-

(a) matters of administration, relating to the North-East Frontier Agency, involving general questions of policy and schemes of development in so far as they relate to matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution;

(b) the five-year plan and annual plan proposals for the development of the North-East Frontier Agency;

of Pradesh Council.

affirma-

[PART 11-

(c) the estimated receipts and expenditure pertaining to the North-East Frontier Agency to be credited to, and to be met from, the Consolidated Fund of India;

(d) proposals for undertaking legislation for the North-East Frontier Agency with respect to any of the matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution;

(e) any other matter which the Administrator may refer to the Council for consideration and advice.

(2) Subject to rules regulating the procedure of the Pradesh Council and subject to the discretion of the Administrator to refuse to give information or to allow discussion on any subject in public interest, every member of the Council shall have the right to ask questions on matters of public interest enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution in so far as such matters relate to the North-East Frontier Agency.

12. (1) The Administrator shall preside at the meetings of the Pradesh Council.

(2) During the absence of the Administrator from any meeting of the Pradesh Council, such person as may be determined by the rules of procedure of the Council or, if no such person is present, such other member of the Council as may be elected by the Council, from amongst its members, shall preside at such meeting.

13. (1) Subject to the provisions of this Regulation and to the rules and standing orders regulating the procedure of the Pradesh Council, there shall be freedom of speech in the Pradesh Council.

(2) Neither the Administrator nor any member of the Pradesh Council shall be liable to any proceedings in any court in respect of anything said in the Council or any committee thereof and no person shall be so liable in respect of publication by or under the authority of the Council of any report, paper, or proceedings.

14. Every member of the Pradesh Council shall be entitled to receive and allow- such salary or allowance or both as the Administrator may, with the approval of the President, by order, determine.

> 15. (1) The Pradesh Council may make rules and standing orders for regulating, subject to the provisions of this Regulation, its procedure and the conduct of its business.

(2) Until any rules or standing orders are made under sub-section (1), the rules of the Agency Council in force immediately before the commencement of this Regulation shall have effect in relation to the Pradesh Council subject to such modifications and adaptations as may be made therein by the Administrator.

16. No discussion shall take place in the Pradesh Council with respect to the conduct of any Judge of the Supreme Court or of a High Court in Restriction on discusthe discharge of his duties. cions in

Administrator to preside at meetings of Pradesh Council.

Powers and privi-

leges of

members.

Salaries ances of members.

Rules of procedure.

the Pradesh Counuit

SEC. 1]

THE GAZETTE OF INDIA EXTRAORDINARY

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17. (1) The validity of any proceedings in the Pradesh Council shall Courts not to not be called in question on the ground of any alleged irregularity of inquire procedure.

(2) No officer or member of the Pradesh Council in whom powers are Pradesh Council. vested by or under this Act for regulating the procedure or the conduct of business of, or for maintaining order in, the Council shall be subject to jurisdiction of any court in respect of the exercise by him of those powers.

CHAPTER III

COUNSELLORS

18. (1) The Administrator may appoint not more than five persons as Appoint-Counsellors from amongst members of the Pradesh Council referred to ment of Counselin clauses (b), (c) and (d) of section 3 and in making such appointments lors, their representation shall be given, as far as practicable, to the different dis- term of tricts of the North-East Frontier Agency.

(2) A Counsellor shall hold office during the pleasure of the Administrator.

(3) Before a Counsellor enters upon his office, the Administrator shall administer to him the oath of office and secrecy according to the form set out for the purpose in the Second Schedule.

(4) Every Counsellor shall be entitled to receive such salary or allowance or both as the Administrator may, with the approval of the President, by order, determine.

19. (1) The Administrator may, from time to time, consult any Coun-Functions sellor or all the Counsellors on any matter relating to the administration of Counsellors. of the North-East Frontier Agency and any views expressed by the Counsellor or Counsellors on such matters shall be recommendatory in nature.

(2) The Administrator may make rules defining the procedure to be followed in consulting the Counsellors.

CHAPTER IV

MISCELLANEOUS

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

(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 in which the representatives from the Zilla Parishads shall be elected under clause (c) of section 3;

(ii) the procedure to be followed in consulting the Counsellors under sub-section (2) of section 19;

(iii) any other matter for which rules are, in the opinion of the Administrator, to be made under this Regulation.

office, etc.

into proceedings of

THE GAZETTE OF INDIA EXTRAORDINARY

[PART II-

and the

Amendment of Regulation 3 of 1967.

21. In the North-East Frontier Agency Panchayat Raj Regulation, 1967,—

(i) in section 2, for clause (vii), the following clause shall be substituted, namely: ---

'(vii) "Gram Panchayat" means a body of persons elected according to the tribal customary methods by the residents of any village or group of villages as the Deputy Commissioner may specify in this behalf in the prescribed manner;';

(ii) Chapter IV shall be omitted;

(iii) in sub-section (2) of section 83,-

(a) in clause (xx), the words "and Agency Council" shall be omitted;

(b) clauses (xxi) and (xxii) shall be omitted;

(c) the proviso shall be omitted.

THE FIRST SCHEDULE

(See section 8)

FORM OF OATH OR AFFIRMATION BY MEMBERS OF THE PRADESH COUNCIL

"I, A. B., a member of the Pradesh Council for the North-East Frontier swear in the name of God that I will bear true faith Agency, do solemnly affirm 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 faithfully discharge the duty upon which I am about to enter.".

THE SECOND SCHEDULE

(See section 18)

FORM OF OATH OF OFFICE FOR A COUNSELLOR

swear in the name of God that I will bear true

"I, A. B., do

solemnly affirm faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Counsellor to the Administrator of the North-East Frontier Agency and that I will do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will.".

FORM OF OATH OF SECRECY FOR A COUNSELLOR

swear in the name of God

"I A. B., do ______

solemnly affirm that I will not, directly

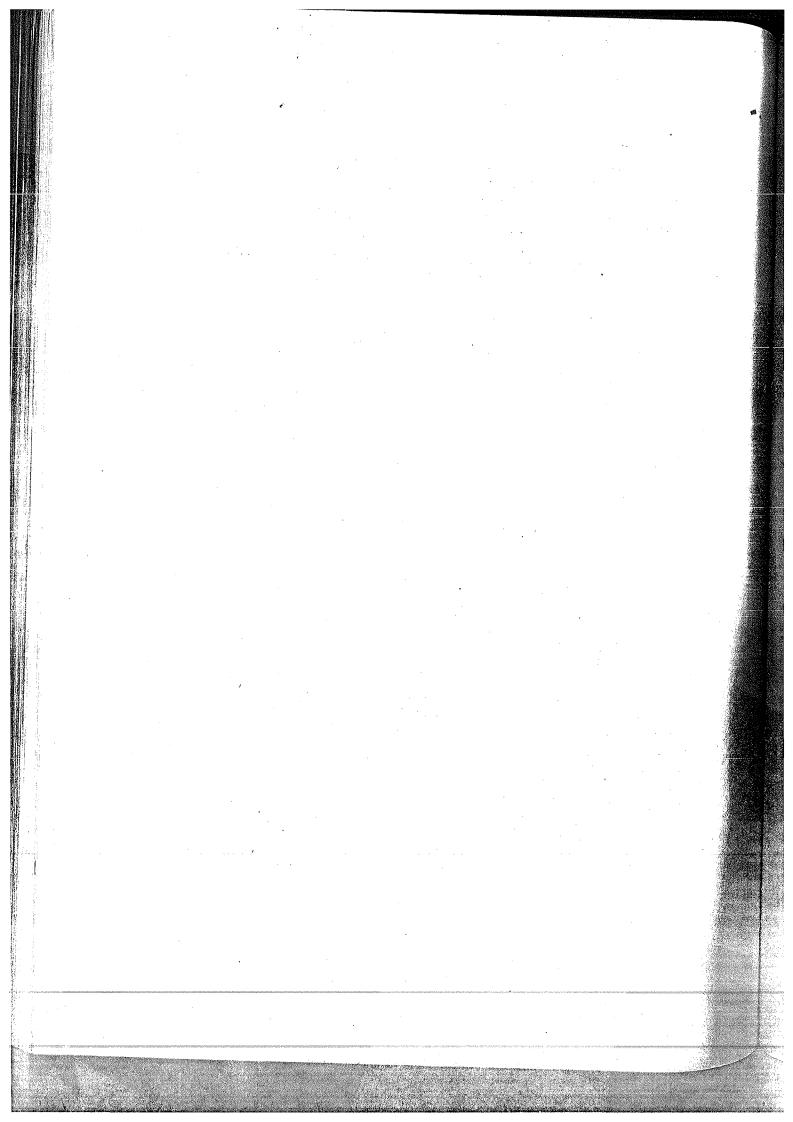
or indirectly, communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Counsellor to the Administrator of the North-East Frontier Agency except as may be required for the due discharge of my duties as such Counsellor.".

V. V. GIRI,

President.

N. D. P. NAMBOODIRIPAD, Joint Secy. to the Govt. of India.

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रजिस्ट्री सं० डी० 221

REGISTERED NO. D. 221



ग्रभाधारण

EXTRAORDINARY

भाग II--- खण्ड 1

PART II-Section 1

प्राधिकार से प्रकाशित

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No. 39]	NEW DELHI, TUESDAY, JU	NE 20, 1972/JYAISTHA 30, 1894

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 AND JUSTICE (Legislative Department)

New Delhi, the 20th June, 1972/Jyuistha 30, 1894 (Saka)

THE NORTH-EAST FRONTIER AGENCY (ADMINISTRA-TION) SUPPLEMENTARY (AMENDMENT) REGULA-TION, 1972

NO. 1 OF 1972

Promulgated by the President in the Twenty-third Year of the Republic of India.

A Regulation to amend the North-East Frontier Agency (Administration) Supplementary Regulation, 1971.

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 North-East Frontier Agency (Administration) Supplementary (Amendment) Regulation, 1972.

(2) It shall come into force at once.

Short title and commencement.

2. In section 3 of the North-East Frontier Agency (Administration) Amend-4 of 1971. Supplementary Regulation, 1971 (hereinafter referred to as the principal ment of

section 3.

THE GAZETTE OF INDIA EXTRAORDINARY [PART II-Sec. 1]

Regulation), after clause (4), the following clause shall be inserted, namely:---

"(*aa*) the member of the Council of States representing the Union territory of Arunachal Pradesh;".

3. In section 4 of the principal Regulation,-

(i) after the word, brackets and letter "clause (a)", the words, brackets and letters "or clause (aa)" shall in inserted;

(*ii*) after the words "a member of the House of the People," the words "or a member of the Council of States," shall be inserted.

V. V. GIRI,

President.

K. K. SUNDARAM,

Jt. Secy. to the Govt. of India.

Amendment of section 4.

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ग्रसाधारण

EXTRAORDINARY

PART II—Section 1

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MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 3rd July 1972/Asadha 12, 1894 (Saka)

THE NORTH-EAST FRONTIER AGENCY PANCHAYAT RAJ (AMENDMENT) REGULATION, 1972

NO. 2 OF 1972

Promulgated by the President in the Twenty-third Year of the Republic of India.

A Regulation further to amend the North-East Frontier Agency Panchayat Raj Regulation, 1967.

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 North-East Frontier Agency Panchayat Raj (Amendment) Regulation, 1972.

(2) It shall come into force at once.

2. In section 7 of tht North-East Frontier Agency Panchayat Raj Regulation, 1967, in clause (d), the word "or" occurring at the end shall be Amendomitted and after that clause, the following *Explanation* shall be inserted, namely:—

Short title and commencement.

[PART II-SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

"Explanation.—For the purposes of this clause, a person shall not be deemed to hold an office of profit under the Government by reason only that he is appointed by the Administrator as a Counsellor under section 18 of the North-East Frontier Agency (Administration) Supplementary Regulation, 1971; or".

4 of 1971.

V. V. GIRI, President.

K. K. SUNDARAM, Jt. Secy. to the Govt. of India.

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असाधार ण EXTRAORDINARY भ म 🏼 🖛 खण्ड ।

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उस भाग में भिन्न पृष्ठ संख्या दी जाती हैं 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 AND JUSTICE (Legislative Department)

New Delhi, the 27th November, 1972/Agrahayana 6, 1894 (Saka)

THE DADRA AND NAGAR HAVELI EXCISE DUTY (AMENDMENT) REGULALION, 1972

No. 3 of 1972

Promulgated by the President in the Twenty-third Year of the Republic of India.

A Regulation to amend the Dadra and Nagar Haveli Excise Duty Regulation, 1969.

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

1. (1) This Regulation may be called the Dadra and Nagar Haveli Short title Excise Duty (Amendment) Regulation, 1972.

(2) It shall come into force on such date as the Administrator of the mence-Union territory of Dadra and Nagar Haveli may, by notification in the Official Gazette, appoint.

2. In the Schedule to the Dadra and Nagar Haveli Excise Duty Regu- Amendlation, 1969, for entry (1) in Part A, the following entry shall be substi- ment of Schedule. tuted, namely:-

> "(1) Foreign liquor other than milk punch, wines and beer

2 of 1969.

15.00 per proof litre.".

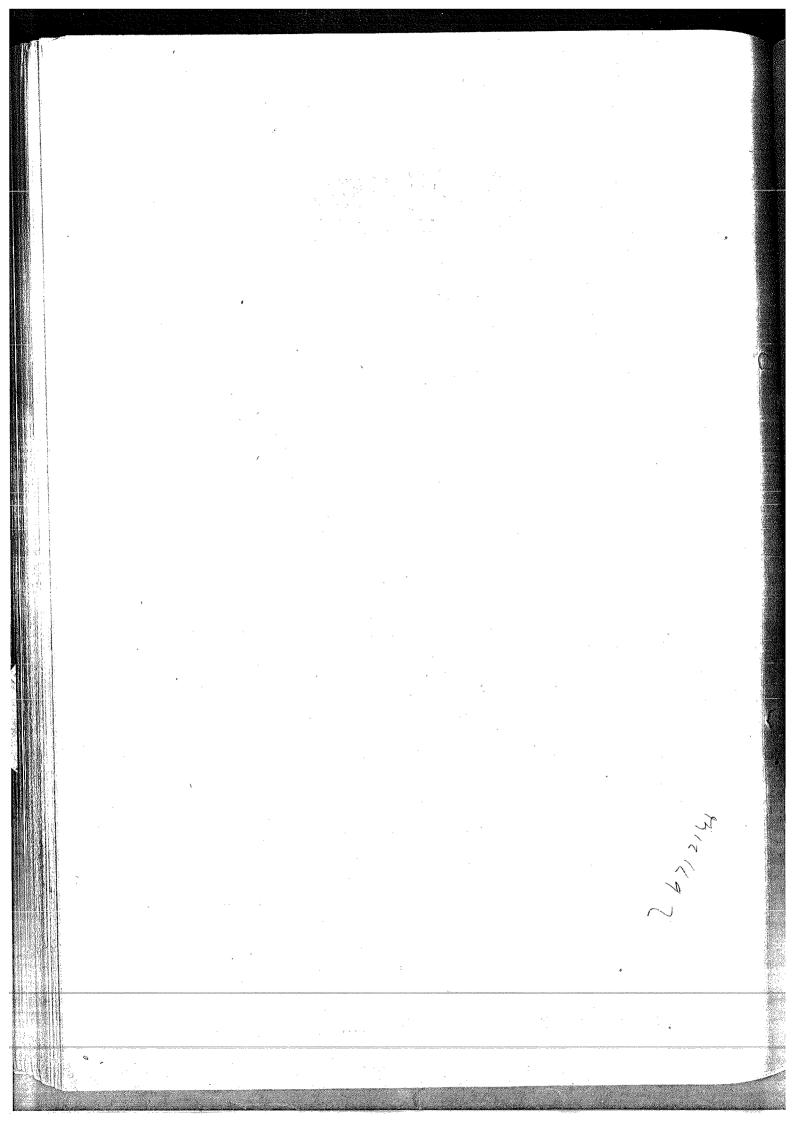
V. V. GIRI, President.

K. K. SUNDARAM, Jt. Secy. to the Govt. of India.

(867)

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

and comment.



THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (PROTECTION OF SCHEDULED TRIBES) AMENDMENT **REGULATION. 1973**

No. 1 of 1973

Promulgated by the President in the Twenty-third Year of the Republic of India.

A Regulation to amend the Laccadive, Minicoy and Amindivi Islands (Protection of Scheduled Tribes) Regulation, 1964.

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 Laccadive, Minicoy and Amindivi 1. Islands (Protection of Scheduled Tribes) Amendment Regulation, 1973.

(2) It shall come into force at once.

9 of 1964.

10 of 1949.

23 of 1955.

38 of 1959.

5 of 1970.

In section 2 of the Laccadive, Minicoy and Amindivi Islands (Protection 2 of Scheduled Tribes) Regulation, 1964 (hereinafter referred to as the principal Regulation), clause (b) shall be re-lettered as clause (d) and before clause (d) as so re-lettered, the following clauses shall be inserted, namely :---

(b) "bank" means a banking company as defined in the Banking Regulation Act, 1949, the State Bank of India constituted under the State Bank of India Act, 1955, a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and includes any other financial institution which the Administrator may, by notification in the Official Gazette, declare to be a bank for the purposes of this Regulation;

(c) "co-operative society" means a society registered, or deemed to be registered, under any law relating to co-operative societies for the time being in force in the Union territory of the Laccadive, Minicoy and Amindivi Islands:'.

3. In section 3 of the principal Regulation,-

(a) in sub-section (1), for the words "any land to any person other than any such member", the following shall be substituted, namely :---"any land :

Provided that no such sanction shall be necessary in the case of any transfer of land to the Government, a bank, a co-operative society or any member of the Scheduled Tribes";

(b) to sub-section (2), the following proviso shall be added, namely :----

"Provided that nothing in this sub-section shall apply to attachment or sale in execution of any such decree or order in relation to a

mencement.

Short title

and com-

Amend-

ment of

section 2.

Amend ment of section 3. debt owing to the Government, a bank, a co-operative society or any member of the Scheduled Tribes.".

Amendment of section 4. 4.

In section 4 of the principal Regulation,—

(a) the words "other than a member of the Scheduled Tribes" shall be omitted;

(b) the following proviso shall be added at the end, namely:--

"Provided that no such sanction shall be necessary in the case of acquisition of any such interest by the Government, a bank, a cooperative society or any member of the Scheduled Tribes.".

Insertion of new section 4A. 5. After section 4 of the principal Regulation, the following section shall be inserted, namely :---

Special provision for sale in execution in certain cases. "4A. (1) Every sale of land in execution of a decree or order referred to in the proviso to sub-section (2) of section 3 shall be by public auction.

(2) No person other than a member of the Scheduled Tribes shall be entitled to bid at such public auction.

(3) The civil or revenue court executing such decree or order shall determine a reserve price for the land in accordance with such rules as may be made by the Administrator in this behalf.

(4) The land shall be sold to the highest bidder only if the price offered by him therefor is not less than the reserve price.

(5) If at the public auction no offer of price equal to, or more than, the reserve price is made, the land shall be purchased by the Government at the reserve price.".

6. Section 7 of the principal Regulation shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :---

"(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the matters to be taken into account, and the procedure to be followed by a civil or revenue court, in determining the reserve price.".

> V. V. GIRI, President. $\mathcal{V}_{3}, 1, 23$

K. K. SUNDARAM, Secy. to the Govt. of India.

Amendment of section 7.

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS **MONEY-LENDERS REGULATION**, 1973

No. 2 of 1973

Promulgated by the President in the Twenty-third Year of the Republic of India.

A Regulation to regulate and control the business of moneylenders 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:--

1. (1) This Regulation may be called the Laccadive, Minicoy and Amindivi Islands Money. Lenders Regulation, 1973.

(2) It extends to the whole of the Union territory.

(3) It shall come into force on such date as the Administrator may, by notification, appoint.

2. In this Regulation, unless the context otherwise requires,-

(a) "Administrator" means the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(b) "appellate authority" means any officer or authority appointed by the Administrator to exercise the powers of an appellate authority under this Regulation;

(c) "bank" means a banking company as defined in section 5 of the Banking Regulation Act, 1949, and includes the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934, the State Bank of India constituted under the State Bank of India Act, 1955, any subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, any other banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949, and any other banking or financial institution notified by the Central Government as a bank for the purposes of this Regulation;

(d) "co-operative society" means a society registered under the Laccadive. Minicoy and Amindivi Islands Co-operative Societies Regulation, 1960;

(e) "Inspector" means an Inspector appointed under section 11;

(f) "interest" includes the return to be made over and above the actual amount lent or the cash value of what was lent, whether the same is charged or sought to be recovered, specifically by way of interest, profit or otherwise, but does not include any sum charged by a lender in accordance with the provisions of this Regulation or any other law for the time being in force, for, or on account of, costs, charges or expenses;

Short title, extent and

commencement.

Definitions.

10 of 1949. 2 of 1934. 23 of 1955. 38 of 1959.

5 of 1970.

5 of 1960.

(g) "licence" means a money-lender's licence granted under this Regulation;

(h) "licensing authority" means any officer or authority appointed by the Administrator to perform the functions of the licensing authority under this Regulation;

(i) "loan" means an advance whether of money or in kind, and includes,-

(1) an advance against the security of the usufructs of coconut trees,

(2) any transaction which the Court finds in substance to amount to an advance,

but does not include,-

(i) a deposit of money or other property in a Post Office Savings Bank or in a bank or with a company as defined in the Companies Act, 1956, or with a co-operative society;

1 of 1956.

(*ii*) an advance made by a bank or a co-operative society or an advance made from a provident fund to which the Provident Funds Act, 1925, applies;

19 of 1925.

26 of 1881.

(*iii*) an advance made by Government or by any person authorised by Government to make advances on its behalf, or by any local authority;

(*iv*) an advance made by any authority specified by the Administrator by notification;

(v) an advance made on the basis of a negotiable instrument as defined in the Negotiable Instruments Act, 1881, exceeding three thousand rupees;

(vi) an advance made to its members by any nidhi or permanent fund registered under any law in force in India; or

(vii) an advance made under any Chit Fund Scheme;

(j) a person shall be deemed to "molest" another person if he---

(1) obstructs or uses violence to, or intimidates, such other person, or

(2) persistently follows such other person from place to place or interferes with any property owned or used by him or deprives him of, or hinders him in the use of, any such property, or

(3) loiters at or near a house or other place where such other person resides, or works, or carries on business, or happens to be, or

(4) does any act calculated to annoy or intimidate the members of the family of such other person, or

(5) moves or acts in a manner which causes or is calculated to cause alarm or danger to the person or property of such other person;

(k) "money-lender" means a person whose main or subsidiary occupation is the business of advancing and realising loans, but does not include a bank or co-operative society or the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956.

31 of 1956

Explanation.—Where a person who carries on the business of advancing and realising loans in the Union territory is resident outside the Union territory, the agent of such person resident in the Union territory shall be deemed to be the money-lender in respect of that business for the purposes of this Regulation;

(1) "notification" means a notification published in the Laccadives Gazette;

(m) "prescribed" means prescribed by rules made under this Regulation;

(n) "principal", in relation to a loan, means the actual amount lent or the cash value of what was lent to the debtor;

(o) "Union territory" means the Union territory of the Laccadive, 1. 7 Minicoy and Amindivi Islands;

(p) "year" means the financial year.

3. (1) No person shall, after two months from the commencement of this Regulation, carry on business as a money-lender in the Union territory, except under and in accordance with the conditions of a licence :

Provided that nothing in this section shall be deemed to prohibit a person, who has, within the aforesaid period of two months applied for a licence, to carry on such business until the licence is granted or refused.

(2) Where a money-lender has more than one shop or place of business in the Union territory, he shall obtain a separate licence in respect of each such shop or place of business.

(3) (a) Where a money-lender is a registered firm, the licence shall be obtained in the firm's name.

(b) Where a money-lender is an undivided family, the licence shall be obtained in the name of the manager, or the *karanavan*, or the *yajaman*, as the case may be, who shall be described as such in the licence.

(c) Where a money-lender is any other association of individuals, not re 1 of 1956. quired to be registered under the Companies Act, 1956, a separate licence shall be obtained by each such individual in his name describing himself as a member of the association :

Provided that nothing contained in this sub-section shall affect the operation 9 of 1932. of section 69 of the Indian Partnership Act, 1932.

4. (1) Every application for a money-lender's licence shall be in writing and shall be made to the licensing authority :

Provided that a person under the age of eighteen years shall be eligible to apply for a licence only through a guardian :

Provided further that if any person acting as a guardian on behalf of a minor applies for and obtains a licence under this Regulation, such guardian shall be subject to all the provisions of this Regulation as if the licence has been granted to himself

Subs. by the Laccadive, Minicoy and Amindivi Islands (Alteration of Name) Adaptation of Lews Order, 1974. (w.c.f.1.11.1973).

exceeding one hundred rupees.

uch conditions ence fees not Grant and refusal of licences.

Money-lender to obtain licence.

(3) The licensing authority may, by order in writing, refuse to grant a licence if such authority is satisfied—

(a) that the applicant has not complied with the provisions of this Regulation or the rules made thereunder in respect of an application for the grant of a licence; or

(b) that the applicant has made wilful default in complying with or knowingly acted in contravention of any requirement of this Regulation; or

(c) that the applicant has-

(i) knowingly participated in or connived at any fraud or dishonesty in the conduct of or in connection with his business as a money-lender, or

(*ii*) been found guilty of an offence under Chapter XVII or Chapter XVIII of the Indian Penal Code, or

45 of 1860.

(*iii*) been found guilty of an offence under section 12 or section 14 on two or more occasions; or

(d) that the application is made within six months of the cancellation of a licence.

(4) Any person aggrieved by an order of the licensing authority under subsection (3) may, within one month from the date of communication of such order to him, appeal to the appellate authority.

(5) Every licence granted under this Regulation shall, subject to the provisions of sub-section (7), expire on the last day of the year in which it was granted.

(6) A licence granted under sub-section (2) may be renewed from year to year and the provisions of sub-sections (1) to (5) shall apply in relation to the renewal of a licence as they apply in relation to the grant of a licence.

(7) If orders refusing to renew a licence are not communicated to a moneylender by the licensing authority before the expiry of his current licence, the moneylender shall, notwithstanding such expiry, be deemed to have a valid licence till orders are received by him on his application for renewal.

(8) Nothing in this section shall be deemed to disentitle a money-lender, whose licence has expired or has not been renewed, from taking steps to recover any loan advanced during the period when the licence was in force.

Change of shop or place of business by money-lender. Money-len-

Money-lenders to exhibit their names, etc.; over shops.

Value of receipts in kind to be given credit. 5. No money-lender shall change his shop or place of business without previous notice to the licensing authority and without having the address of the new shop or place of business duly endorsed on his licence.

6. Every money-lender shall always keep exhibited over his shop or place of business his name, the licence number and the word "money-lender" in such languages as may be prescribed.

7. If, under the terms of the agreement relating to a loan, any money-lender appropriates or accepts the usufructs of coconut trees towards payment of the principal or interest, if any, of the loan, he shall give credit for an amount equal to the market value of such usufructs obtaining at the time of such appropriation or acceptance.

8. (1) No money-lender shall charge or recover interest on any loan, at a rate exceeding nine per cent. per annum simple interest where the loan is a secured loan or at a rate exceeding twelve per cent. per annum simple interest where the loan is not a secured loan:

Provided that a money-lender shall be entitled to charge a minimum of fifty paise as interest on any one loan.

(2) A money-lender may demand and take from the debtor such charges and in such cases as may be prescribed.

(3) A money-lender shall not demand or take from the debtor any interest, profit or other sum whatsoever in excess of that payable under this section.

9. (1) Where a money-lender refuses to accept the whole or any portion of the money or other property due in respect of his loan, the debtor may deposit the said money or property into the Court having jurisdiction to entertain a suit for the recovery of such loan and apply to the Court to record full or part-satisfaction of the loan, as the case may be.

(2) Where any such application is made, the Court shall, after due inquiry, pass orders recording full or part-satisfaction of the loan, as the case may be.

(3) The procedure laid down in the Code of Civil Procedure, 1908, for the trial of suits shall, as far as may be, apply to applications under this section.

(4) An appeal shall lie from an order passed by a Court under sub-section (2), as if such an order relates to the execution, discharge or satisfaction of a decree within the meaning of section 47 of the Code of Civil Procedure, 1908.

10. (1) Every money-lender shall-

5 of 1908.

5 of 1908.

(a) regularly record and maintain or cause to be recorded and maintained, an account showing for each debtor separately—

(i) the date of the loan, the amount of the principal and the rate of interest charged thereon, the nature of the security taken, if any, and the other terms and conditions of the loan,

(*ii*) the amount of every payment received by the money-lender in respect of the loan, and the date of such payment, and

(*iii*) the amount credited as being the market value of the usufructs of coconut trees appropriated or accepted towards payment of the principal or interest of the loan and the date of receipt of such usufructs;

(b) give to the debtor or his agent a receipt duly signed and, if necessary, stamped, for-

(i) the amount paid by him, or

(*ii*) the amount equal to the market value of the usufructs of coconut trees appropriated or accepted from him indicating the quantity of usufructs,

at the time of such payment or, as the case may be, at the time of such appropriation or acceptance;

(c) on requisition in writing made by the debtor furnish to him, or, if he so requires, to any person mentioned by him in that behalf in his requisition, a statement of account signed by himself or his agent, showing the

Money-lender to keep books, give receipts,

etc.

Power to deposit in Court money due on loan.

Interest and charges

moneylenders.

allowed to

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particulars referred to in clause (a) and also the amount which remains outstanding on account of the principal and of interest, and charge such fee therefor as may be prescribed;

(d) submit such returns relating to the loans advanced by him to the Inspector concerned, in such form and at such times as may be prescribed.

(2) All records or entries made in the books, accounts and documents referred to in sub-section (1) shall be in such language as may be prescribed in respect of any area.

(3) A debtor to whom a statement of account has been furnished under clause (c) of sub-section (1) and who fails to object to the correctness of the account shall not by such failure alone be deemed to have admitted the correctness of the particulars entered in such statement.

(4) In the receipts to be given under clause (b) of sub-section (1) or in the statement of account to be furnished under clause (c) of that sub-section, the figures shall be entered only in the international form of Indian numerals.

(5) In any suit or proceeding relating to a loan, if the Court finds that a moneylender has not maintained an account as required by clause (a) of sub-section (1), he shall not be allowed his costs.

(6) If any money-lender fails to give the debtor or his agent a receipt as required by clause (b) of sub-section (1) or to furnish on a requisition made under clause (c) of that sub-section a statement of account within one month after such requisition has been made, he shall not be entitled to any interest for the period of his default.

(7) Notwithstanding any agreement between the parties or any law for the time being in force when a statement of account is furnished to a debtor under this section on any day during a month, the interest due shall be calculated as payable for the entire month irrespective of the fact that such statement is furnished on any such day.

Appointment and powers of Inspectors.

Administrator

11. (1) The Government may, by notification, appoint one or more persons to be Inspectors for the purposes of this Regulation and specify in such notification the local limits of their jurisdiction.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

(3)(a)(i) Any Magistrate may, on receiving a report from an Inspector that a person carries on business as a money-lender without a licence or that a money-lender carries on his business in contravention of the provisions of this Regulation or any of the conditions of a licence granted to him at any place within the jurisdiction of such Magistrate, issue a warrant, empowering the Inspector to enter such place with such assistants as he considers necessary and inspect the books, accounts, records, files, documents, safes, vaults and pledges in such place.

. (ii) On receiving the warrant referred to in sub-clause (i), the Inspector may enter the place and inspect the books, accounts, records, files, documents, safes, vaults and pledges in such place at all reasonable times and may take to his office such books, accounts, records, files and documents, as he considers necessary, for further investigation :

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Provided that if the Inspector removes from the place any books, accounts. records, files or documents, he shall give to the person in charge of the place, a receipt describing the books, accounts, records, files or documents so removed by him:

Provided further that the books, accounts, records, files or documents so removed shall, within twenty-four hours of such removal, be either returned to the person from whose custody they were removed, or, subject to the availability of transport, be produced in the Court of the Magistrate who issued the warrant and such Magistrate may return the books, accounts, records, files or documents or any of them to the person from whose custody they were removed by the Inspector, after taking from such person such security as the Magistrate considers necessary for the production of the books, accounts, records, files or documents when required whether by the Inspector or by the Court, or may pass such other orders as to their disposal as appear just and convenient to the Magistrate.

(b) An Inspector shall have authority to require any person whose testimony he may require regarding any loan or any money-lending business to attend before him or to produce or cause to be produced any document and to examine such person on oath.

(4) An Inspector may apply for assistance to the officer-in-charge of a police station and take police officers to accompany and assist him in the performance of his duties under this Regulation.

12. (1) Any money-lender whether licensed or not-

(a) who actually advances an amount less than the amount shown in his accounts or registers or other documents relating to the loan, or

(b) who takes or receives interest or any other charge at a rate higher than the rate shown in the accounts, registers or documents aforesaid or allowed under this Regulation,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) If a money-lender is convicted of an offence under sub-section (I), the Court convicting him may cancel his licence as a money-lender.

13. No Court shall take cognizance of an offence punishable under this Regulation or the rules made thereunder except on a complaint in writing made by any prescribed authority.

14. Whoever molests or abets the molestation of any debtor for the recovery. of any loan shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

15. (1) The licensing authority may, at any time, during the term of any licence, cancel it by an order in writing—

(a) if the licensee carries on the business in contravention of any of the provisions of this Regulation or the rules made thereunder or of any of the conditions of the licence, or

(b) if any reason for which the licensing authority could have refused to grant the licence to the money-lender under sub-section (3) of section 4, is brought to the notice of that authority after the grant of the licence, or

Moneylender advancing smaller amount or securing higher interest than that specified in the accounts, etc., to be punishable.

Cognizance of offences.

Penalty for molestation of debtor.

Power to cancel licences, etc. (c) if the licensee is convicted of an offence under section 12 or section 14, or

(d) if the licensee maintains false accounts or is found to molest or abet the molestation of any debtor for the recovery of any loan.

(2) Before cancelling a licence under sub-section (1), the licensing authority shall give the licensee a notice in writing stating the grounds on which it is proposed to take action and requiring him to show cause against it within such time as may be specified in the notice.

(3) Any person aggrieved by an order of the licensing authority cancelling a licence may, within one month of the date of communication of such order to him, appeal to the appellate authority.

16. Every order of cancellation of a licence under this Regulation shall be notified in the Laccadives Gazette and also on the notice board of the office of the licensing authority.

No compensation for cancellation of licence.

Publication of order of cancella-

tion.

Penalty for carrying on business without licence. 17. A person whose licence is cancelled under section 15 shall not be entitled to any compensation in respect of such cancellation or to the refund of any fee paid in respect of such licence.

18. Whoever carries on business as a money-lender without a licence or otherwise than in conformity with the terms and conditions of a licence shall be punished with fine which may extend to one thousand rupees:

Provided that a person shall not be deemed to carry on business as a moneylender without a licence, if he had ceased to carry on such business but was taking steps to recover any loan advanced by him.

Penalties.

19. (1) Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder or of any of the conditions of a licence granted or deemed to be granted thereunder or makes a claim or a statement which is false or which he does not believe it to be true shall, if no other penalty is elsewhere provided for in this Regulation for such contravention, be punished with fine which may extend to one thousand rupees.

Explanation.—The cancellation of a licence under section 15 shall not be deemed to be a penalty for the purposes of this sub-section.

(2) Where a contravention of any of the provisions of this Regulation or of any rule made thereunder of which a person is convicted consists of an omission to do a thing, the Magistrate may, when convicting the offender, direct him to do the thing before an appointed day and may on the failure of the offender to do the thing before the said day, pass an order, whether the offender appears in Court or not on that day, cancelling his licence.

Transfer of licence to heir. 20. (1) Where a licensee under this Regulation dies, any person claiming to be his legal representative may apply to the licensing authority for transferring the licence in his name.

(2) Every such application shall be in such form and shall contain such particulars as may be prescribed.

(3) The licensing authority may, if he is satisfied that the applicant is in fact the legal representative of the deceased and that he is otherwise eligible for the grant of a licence under this Regulation, transfer the licence in the name of the applicant after obtaining from the applicant a declaration in the prescribed form.

(4) Any licence transferred under sub-section (3) shall be deemed to have been granted to the applicant himself and shall be valid for the period for which it would have been valid if the licence had not been transferred; and the provisions of this Regulation shall apply accordingly.

21. No Court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under this Regulation.

22. Where a money-lender is guilty of an offence punishable under this Regulation any contract made by him in relation to his business as a money-lender shall not be void by reason only of that offence nor shall he, by reason only of that offence, lose his right to the loan and the interest and other charges, if any, payable in respect thereof.

23. (1) The Administrator may 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 provide for—

(a) the form of, and the particulars to be contained in, an application for a licence under this Regulation;

(b) the form of a licence, and the conditions subject to which, a licence may be granted;

(c) the form in which books, accounts, records, files and documents specified in this Regulation shall be recorded, maintained, kept or used;

(d) the procedure which shall be followed and the powers which may be exercised by the authorities exercising functions, holding inquiries and hearing appeals under this Regulation;

(e) any other matter which under this Regulation is required to be, or may be, prescribed.

V. V. GIRI, President.

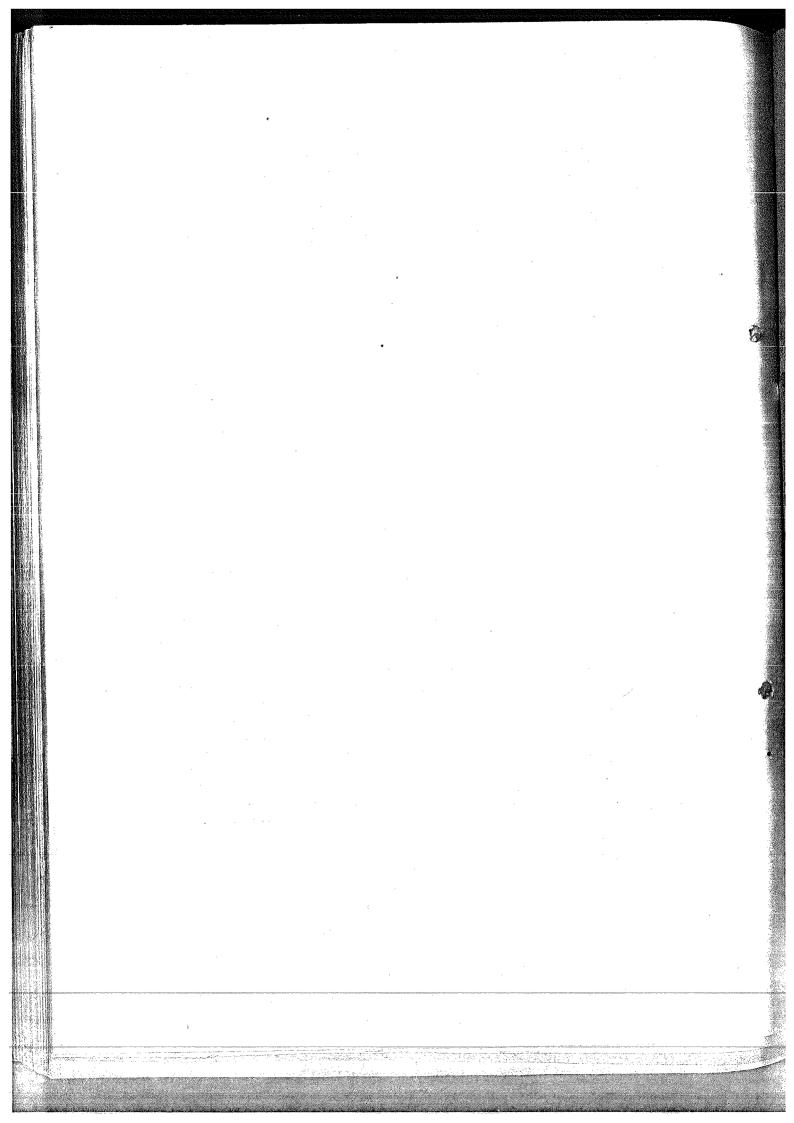
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K. K. SUNDARAM, Secy. to the Govt. of India. to try offences. Contracts

Jurisdict ion

void on account of offence.

Power to make rules.



REGISTERED NO. D. 221

रजिस्ट्री सं० डो॰ 221



EXTRAORDINARY भाग II ---खण्ड 1 PART II---खण्ड 1 प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं० 4] नई दिल्ली, बुधवार, फरवरी 28, 1973/फाल्गुन 9, 1894 No. 4] NEW DELHI, WEDNESDAY, FEBRUARY 28, 1973/PHALGUNA 9, 1894

इस भाग में भिन्न पृष्ठ संख्या दी जाती ह' 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, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 28th February, 1973/Phalguna 9, 1894 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS CO-OPERATIVE SOCIETIES REGULATION, 1973

No. 3 of 1973

Promulgated by the President in the Twenty-fourth Year of the Republic of India.

A Regulation to consolidate and amend the law relating to co-operative societies 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:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Andaman and Nicobar Islands Co-operative Societies Regulation, 1973.

(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 Central Government may, by notification in the Official Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,—

(a) "bye-laws" means the registered bye-laws for the time being in force and includes registered amendments of such bye-laws; Short title, extent and commencement.

Definitions.

(49)

(b) "Chief Commissioner" means the Chief Commissioner of the Union territory of the Andaman and Nicobar Islands;

(c) "committee" means the governing body of a co-operative society, by whatever name called, to which the management of the affairs of the society is entrusted;

(d) "co-operative society" means a society registered or deemed to be registered under this Regulation;

(e) "co-operative society with limited liability" means a cooperative 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 bye-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;

(f) "co-operative society with unlimited liability" means a cooperative 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;

(g) "credit agency" means a co-operative society which has as its principal object the lending of money to other co-operative societies and includes—

(i) a banking company as defined in section 5 of the Banking Regulation Act, 1949;

(*ii*) the State Bank of India constituted under section 3 of the State Bank of India Act, 1955;

(*iii*) a subsidiary bank as defined in section 2 of the State Bank of India (Subsidiary Banks) Act, 1959;

(iv) the Agricultural Refinance Corporation established under section 3 of the Agricultural Refinance Corporation Act, 1963; and

(v) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

5 of 1970.

(h) "Government" means the Central Government;

(i) "member" means a person joining in the application for the registration of a co-operative society and a person admitted to membership after such registration in accordance with this Regulation, the rules and the bye-laws, and includes a nominal or an associate member and the Government when it subscribes to the share capital of a society;

(*j*) "nominal or associate member" means a member who possesses only such privileges and rights of a member and who is subject only to such liabilities of a member as may be specified in the bye-laws;

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10 of 1949.

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23 of 1955.

38 of 1959.

10 of 1963.

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(k) "officer" includes a president, vice-president, chairman, vicechairman, managing director, secretary, manager, member of a committee, treasurer, liquidator, administrator and any other person empowered under the rules or bye-laws to give directions in regard to the business of a co-operative society;

(l) "Official Gazette" means the Andaman and Nicobar Gazette;

(m) "prescribed" means prescribed by rules made under this Regulation;

(n) "producers' society" means a society formed with the object of producing and disposing of goods and commodities as a collective property of its members, and includes a society formed with the object of the collective disposal of the labour of its members;

(o) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Regulation, and includes any person appointed to assist the Registrar when exercising all or any of the powers of the Registrar under sub-section (2) of section 3;

(p) "rules" means the rules made under this Regulation;

(q) "Union territory" means the Union territory of the Andaman and Nicobar Islands.

CHAPTER II

REGISTRATION OF CO-OPERATIVE SOCIETIES

3. (1) The Chief Commissioner may appoint a person to be the Registrar. Registrar of Co-operative Societies for the Union territory and may appoint other persons to assist him.

(2) The Chief Commissioner may, by general or special order, confer on any person appointed to assist the Registrar all or any of the powers of the Registrar under this Regulation.

(3) Every person appointed to assist the Registrar shall exercise the powers conferred on him under sub-section (2), subject to the general superintendence, direction and control of the Registrar.

4. (1) Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Regulation with or without limited liability:

Provided that, unless the Chief Commissioner by general or special order otherwise directs, the liability of the society of which a co-operative society is a member shall be limited.

(2) Whether the liability of the members of any co-operative society is limited or unlimited by shares, the liability of the Government or of a credit agency which has taken shares in such co-operative society, shall be limited to the share capital subscribed by the Government or such credit agency as the case may be.

Societies which may be registered.

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THE GAZETTE OF INDIA EXTRAORDINARY

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(3) The word "limited" or its equivalent in any Indian language shall be suffixed to the name of every society registered under this Regulation with limited liability.

5. No society, other than a society of which a member is a co-operative society, shall be registered under this Regulation unless it consists of at least ten persons (each of such persons being a member of a different family), above the age of eighteen years and residing in the area of operation of the society.

Explanation.—For the purposes of this section, the expression "member of a family" means wife, husband, father, mother, grandfather, grandmother, step-father, step-mother, son. unmarried daughter, unmarried step-daughter, step-son, grandson, unmarried grand-daughter, unmarried sister, unmarried half-sister, brother, half-brother and wife of brother or half-brother.

6. No member, other than the Government or a co-operative society, shall hold more than such portion of the share capital of a co-operative society, subject to a maximum of one-fifth, as may be prescribed or have or claim any interest in the shares of such society exceeding ten thousand rupees.

7. (1) For the purposes of registration of a co-operative society under this Regulation, an application shall be made to the Registrar in the prescribed form.

(2) The application shall be signed,—

(a) in the case of a society of which no member is a co-operative society, by at least ten persons qualified in accordance with the requirements of section 5; and

(b) in the case of a society of which a member is a co-operative society, by a duly authorised person on behalf of every such co-operative society and where all the members of the society are not c^{-} operative 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 bye-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.

8. (1) If the Registrar is satisfied—

(a) that the application complies with the provisions of this Regulation and the rules;

(b) that the objects of the proposed society are in accordance with section 4;

(c) that the proposed bye-laws are not contrary to the provisions of this Regulation and the rules; and

(d) that the proposed society has reasonable chances of success.

the Registrar may register the society and its bye-laws.

(2) When the Registrar refuses to register a society, he shall communicate the order of refusal, together with the reasons therefor, to such of the applicants as may be prescribed.

Restriction on holding of shares.

Restric-

tions on

tion.

registra-

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Application for registration.

Registration.

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(3) The application for registration shall be disposed of by the Registrar within a period of three months from the date of receipt thereof by him.

(4) Where the Registrar fails to dispose of an application for registration within the period specified in sub-section (3), he shall be deemed to have refused to register the society and nothing in sub-section (2) shall apply to such refusal.

9. Where a society is registered under this Regulation, the Registrar shall issue a certificate of registration signed by him, which shall be conclusive cvidence that the co-operative society therein mentioned is duly registered under this Regulation, unless it is proved that the registration of the society has been cancelled.

10. (1) No amendment of any bye-laws of a co-operative society shall be valid until the same has been registered under this Regulation.

(2) Every proposal for such amendment shall be forwarded to the Registrar in the prescribed manner and if the Registrar is satisfied that the proposed amendment—

(i) is not contrary to this Regulation or to the rules;

(ii) does not conflict with co-operative principles; and

(*iii*) will promote the economic interests of the members of the society,

he may register the amendment:

Provided that no order refusing to register the amendment of byelaws shall be passed except after giving the co-operative society an opportunity of making its representation.

(3) The Registrar shall forward to the co-operative society a copy of the registered amendment together with a certificate signed by him and such certificate shall be conclusive evidence that the amendment has been duly registered.

(4) Where the Registrar refuses to register an amendment of the byelaws of a co-operative society, he shall communicate the order of refusal together with the reasons therefor, to the society in the prescribed manner.

(5) An amendment of the bye-laws of a registered society shall take effect from the date, if any, specified in the amendment and where no such date is specified, the amendment shall take effect from the date on which it is registered.

(6) (i) Where the Registrar is satisfied that for the purpose of altering the area of operations of a co-operative society or for the purpose of improving the services rendered by it or for any other purpose specified in the rules, an amendment of the bye-laws is necessary, he may after consulting, in the prescribed meaner, the credit agency, if any, to which the society is affiliated, by notice in writing, call upon the society to show cause, within such time as may be specified in the notice, why the amendment should not be made.

Registration certificate. 9

Amendment of byelaws of co-operative society.

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(ii) If within the time specified in the notice referred to in clause (i), the co-operative society fails to make the amendment, the Registrar may, after giving the society an opportunity of making its representations, register the amendment and issue to the society a copy of such amendment.

(*iii*) Any amendment of the bye-laws registered under clause (*ii*) shall have the same effect as an amendment of the bye-laws registered under sub-section (2) unless the registration is cancelled in pursuance of a decision in appeal.

11. (1) A co-operative society may, by an amendment of its bye-laws, change its name but such change shall not affect any right or obligation of the society or of any of its members or past members, and any legal proceedings which might have been continued or commenced by or against the society by its former name may be continued or commenced by its new name.

(2) Where a co-operative society changes its name, the Registrar shall enter the new name on the register of co-operative societies in place of the former name and shall amend the certificate of registration accordingly.

12. (1) Subject to the provisions of this Regulation and the rules, a co-operative society may, by an amendment of its bye-laws, change the form or extent of its liability.

(2) When a co-operative society has passed a resolution to change the form or extent of its liability, it shall give notice thereof in writing to all its members and creditors and, notwithstanding any bye-laws or contract to the contrary, any member or creditor shall, during a period of one month from the date of service of the notice upon him, have the option of withdrawing his shares, deposits or loans, as the case may be.

(3) Any member or creditor who does not exercise his option within the period specified in sub-section (2) shall be deemed to have assented to the change.

(4) An amendment of a bye-law of a co-operative society changing the form or extent of its liability shall not be registered or shall not take effect until either—

(a) all the members and creditors have assented, or deemed to have assented, to the change; or

(b) all claims of the members and creditors who exercise the option referred to in sub-section (2) within the period specified therein have been met in full or otherwise satisfied.

13. (1) A co-operative society may, with the previous approval of the Registrar and by a resolution passed by a two-thirds majority of the members present and voting at the general meeting of the society,--

(a) transfer its assets and liabilities in whole or in part to any other co-operative society;

Amalgamation, transfer of assets and liabilities and division of cooperative

(b) divide itself into two or more co-operative societies.

Change of

liability.

Change

o; name.

Sec. 1] THE GAZETTE OF INDIA EXTRAORDINARY

(2) Any two or more co-operative societies may, with the previous approval of the Registrar and by a resolution passed by a two-thirds majority of the members present and voting at a general meeting of each such society, amalgamate themselves and form a new co-operative society.

(3) The resolution of a co-operative society under sub-section (1) or sub-section (2) shall contain all particulars of the transfer, division or amalgamation, as the case may be.

(4) When a co-operative society has passed any such resolution, it shall give notice thereof in writing to all its members and creditors and, notwithstanding any bye-laws or contract to the contrary, any member or creditor shall, during the period of one month of the date of service of the notice upon him, have the option of withdrawing his shares, deposits or loans, as the case may be.

(5) Any member or creditor who does not exercise his option within the period specified in sub-section (4) shall be deemed to have assented to the proposals contained in the resolution.

(6) A resolution passed by a co-operative society under this section shall not take effect, until either

(a) all the members and creditors have assented, or are deemed to have assented, to the resolution aforesaid; or

(b) all claims of the members and creditors who exercise the option referred to in sub-section (4) within the period specified therein have been met in full or otherwise satisfied.

(7) Where a resolution passed by a co-operative society under this section involves the transfer of any assets and liabilities, the resolution shall, notwithstanding anything contained in any law for the time being in force, be a sufficient conveyance to vest the assets and liabilities in the transferee without any further assurance.

14. (1) Where the whole of the assets and liabilities of a co-operative society are transferred to another co-operative society in accordance with the provisions of section 13, the registration of the first-mentioned co-operative society shall stand cancelled and that co-operative society shall be deemed to have been dissolved and shall cease to exist as a corporate body.

(2) Where two or more co-operative societies are amalgamated into a new co-operative society in accordance with the provisions of section 13, the registration of each of the amalgamating societies shall stand cancelled on the registration of the new society, and each society shall be deemed to have been dissolved and shall cease to exist as a corporate body.

(3) Where a co-operative society divides itself into two or more cooperative societies in accordance with the provisions of section 13, the registration of that society shall stand cancelled on the registration of the new societies and that society shall be deemed to have been dissolved and shall cease to exist as a corporate body.

(4) The amalgamation and splitting of co-operative societies shall not in any manner whatsoever affect any right or obligation of the resulting co-operative society or societies or render defective any legal proceedings

Cancellation of registration certificates of co-operative societies in certain cases.

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THE GAZETTE OF INDIA EXTRAORDINARY

by or against the co-operative society or societies, and any legal proceedings that might have been continued or commenced by or against the cooperative society or societies, as the case may be, before the amalgamation or splitting, may be continued or commenced by or against the result-

CHAPTER III

MEMBERS OF CO-OPERATIVE SOCIETIES AND THEIR RIGHTS AND LIABILITIES

15. (1) No person shall be admitted as a member of a co-operative society except the following, namely:—

(a) an individual competent to contract under section 11 of the Indian Contract Act, 1872;

9 of 1872.

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(b) any other co-operative society;

(c) the Government; and

ing co-operative society or societies.

(d) such class or classes of persons or associations of persons as may be notified by the Chief Commissioner in this behalf.

(2) Notwithstanding anything contained in sub-section (1), the Chief Commissioner may, having regard to the fact that the interest of any person or class of persons conflicts or is likely to conflict with the objects of any society or class of societies, by general or special order, published in the Official Gazette, declare that any person or class of persons engaged in or carrying on any profession, business or employment shall be disqualified from being admitted, or for continuing, as members or shall be eligible for membership only to a limited extent of any specified society or class of societies, so long as such person or persons is or are engaged in or carrying on that profession, business or employment, as the case may be

16. (1) Notwithstanding anything contained in section 15, a co-operative society may admit any person [including any bank referred to in sub-clause (i) or sub-clause (ii) or sub-clause (iii) or sub-clause (v) of clause (g) of section 2] as a nominal or associate member in accordance with its bye-laws.

(2) A nominal or associate member shall not be entitled to any share in any form whatsoever, in the assets or profits of the co-operative society.

(3) Save as otherwise provided in this section, a nominal or associate member shall have such privileges and rights of a member and be subject to such liabilities of a member, as may be specified in the bye-laws of the co-operative society.

17. No member of a co-operative society shall exercise the rights of a member unless he has made such payments to the society in respect of membership or has acquired such interest in the society as may be specified in the bye-laws.

18. Every member of a co-operative society shall have only one vote in the affairs of the society:

Provided that—

(a) in the case of an equality of votes, the chairman shall have a second or casting vote,

(b) a nominal or associate member-shall not have the right of vote; and

Persons who may become members.

Nominal or associate members.

Member not to exercise rights till due payment made. Votes of

members.

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(c) where the Government is a member of the co-operative society, each person nominated by the Chief Commissioner on the committee shall have one vote.

19. (1) Every member of a co-operative society shall exercise his vote Manner of exercising in person and no member shall be permitted to vote by proxy. vote.

(2) Notwithstanding anything contained in sub-section (1), a cooperative society which is a member of another co-operative society, may, subject to the rules, appoint one of its members to vote on its behalf in the affairs of that other society.

20. The transfer of the share or interest of a member in the capital Restriction of a co-operative society shall be subject to such conditions as to maximum holding as are specified in section 6.

21. (1) On the death of a member, a co-operative society may transfer the share or interest of the deceased member to the person nominated in accordance with the rules made in this behalf, or, if there is no person so nominated, to such person 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 bye-laws:

Provided that-

(i) in the case of a co-operative 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;

(ii) in the case of a co-operative 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 bye-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; and

(iii) no such transfer or payment shall be made except with the consent of the nominee, heir or legal representative, as the case may he.

(2) A co-operative society shall, subject to the provisions of section 31 and unless, within six months of the death of the member, prevented by an order of a competent court, pay to such nominee, heir or legal representative, as the case may be, all other moneys due to the deceased member from the society.

(3) All transfers and payments made by a co-operative 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.

22. (1) Subject to the provisions of sub-section (2), the liability of Liability a past member or of the estate of a deceased member of a co-operative of past member society for the debts of the society as they existed,--and

estate of (a) in the case of a past member, on the date on which he ceased deceased member. to be a member;

on transfer of shares or interest.

Transfer of interest on death of member.

(b) in the case of a deceased member, on the date of his death, shall continue for a period of two years from such date:

Provided that the liability of the Government or of a credit agency which has taken shares in a co-operative society shall cease on the date on which the Government or the credit agency ceases to be a member.

(2) Where a co-operative society is ordered to be wound up under section 57, the liability of a past member who ceased to be a member or of the estate of a deceased member who died within two years immediately preceding the date of the order of winding up, shall continue until the entire liquidation proceedings are completed, but such liability shall extend only to the debts of the society as they existed on the date of cessation of membership or death, as the case may be.

CHAPTER IV

MANAGEMENT OF CO-OPERATIVE SOCIETIES

Final authority in a co-operative society. 23. (1) The final authority in a co-operative society shall vest in the general body of members:

Provided that where the bye-laws of a co-operative society provide for the constitution of a smaller body consisting of delegates of members of the society elected or selected in accordance with such bye-laws, such smaller body shall exercise such powers of the general body as may be prescribed or as may be specified in the bye-laws of the society.

(2) Notwithstanding anything contained in sub-section (2) of section 19, each delegate shall have only one vote in the affairs of the society.

Annual general meeting. **24.** A general meeting of a co-operative society shall be held once in a year for the purpose of—

(a) approval of the programme of the activities of the society prepared by the committee for the ensuing year;

(b) election, if any, of the members of the committee other than nominated members;

(c) consideration of the audit report and the annual report;

(d) disposal of the net profits;

(e) consideration and approval of the annual budget; and

(f) consideration of any other matter which may be brought forward in accordance with the bye-laws.

Special general meeting. 25. (1) The committee of a co-operative society may, at any time, call a special general meeting of the society and shall call such meeting within one month after the receipt of a requisition in writing from the Registrar or from such number of members or a proportion of the total number of members, as may be provided in the bye-laws.

(2) If a special general meeting of a co-operative society is not called in accordance with the requisition referred to in sub-section (1), the Registrar or any person authorised by him in this behalf shall have the power to eall such meeting and that meeting shall be deemed to be a meeting called by the committee.

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18.

26. (1) The members of the committee of a co-operative society shall be elected in the prescribed manner and no person shall be so elected unless he is a shareholder of the society.

(2) Notwithstanding anything contained in sub-section (1),—

(a) where the Government has subscribed to the share capital of a co-operative society, the Chief Commissioner or any person authorised by the Chief Commissioner in this behalf shall have the right to nominate on the committee such number of persons not exceeding three or one-third of the total number of members thereof, whichever is less, as the Chief Commissioner or such authorised person may determine;

(b) where the Industrial Finance Corporation established under section 3 of the Industrial Finance Corporation Act, 1948 or any credit agency has provided finance to a co-operative society, the said Industrial Finance Corporation, or such credit agency, as the case may be, shall have the right to nominate one person on the committee.

(3) A person nominated under sub-section (2) shall hold office during the pleasure of the Chief Commissioner or the said Industrial Finance Corporation or such credit agency, as the case may be.

27. (1) If, in the opinion of the Registrar, the committee of any cooperative society persistently makes default or it is negligent in the performance of the duties imposed on it by this Regulation or the rules or bye-laws, or commits any act which is prejudicial to the interest of the society or its members, the Registrar may, after giving the committee an opportunity to state its objection, if any, by order in writing remove the committee; and

(a) order fresh election of the committee, or

(b) appoint one or more administrators, who need not be members of the society, to manage the affairs of the society for such period not exceeding one year as may be specified in the order which period may, at the discretion of the Registrar, be extended from time to time, so, however, that the aggregate period does not exceed three years.

(2) The Registrar may fix such remuneration for the administrator or administrators as he may think fit and such remuneration shall be paid out of the funds of the co-operative society.

(3) The administrator 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 take all such actions as may be required in the interest of the society.

(4) The administrator shall, at the expiry of his term of office, arrange for the constitution of a new committee in accordance with the bye-laws of the society.

(5) Before taking any action under sub-section (1) in respect of a co-operative society indebted to a credit agency, the Registrar shall consult the credit agency, to which it is indebted regarding such action.

and nomination of members of committees.

Election

Supersession of committee.

THE GAZETTE OF INDIA EXTRAORDINARY

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Securing possession of records, etc.

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28. (1) If,---

(a) in the opinion of the Registrar, the records (including registers and books of account) of a co-operative society are likely to be tampered with or destroyed or the funds or other property of a cooperative society are likely to be misappropriated or misapplied; or

(b) the committee of a co-operative society is reconstituted at a general meeting of the society; or

(c) the committee of a co-operative society is removed by the Registrar under section 27; or

(d) a co-operative society is ordered to be wound up under section 57 and the outgoing members of the committee thereof refuse to hand over charge of the records and property of the society to those having, or entitled to receive, such charge,

the Registrar may apply to the Magistrate within whose jurisdiction the society functions for securing such records and property of the society.

(2) On receipt of an application under sub-section (1), the Magistrate may, by a warrant, authorise any police officer, not below the rank of a sub-inspector to enter and search any place where such records and property are kept or are believed to be kept and to seize such records and property; and the records and property so seized shall be handed over to the new committee or administrator of the society or the liquidator, as the case may be.

29. No act of a co-operative society or of any committee or any officer of the society shall be deemed to be invalid by reason only of the existence of any defect in procedure or in the constitution of the society or of the committee or in the appointment or election of an officer or on the ground that such officer was disqualified for his office.

CHAPTER V

PRIVILEGES OF CO-OPERATIVE SOCIETIES

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

31. (1) Notwithstanding anything contained in any law for the time being in force, but subject to any prior claim of the Government in respect of land revenue or any money recoverable as land revenue, any debt or outstanding demand due to a co-operative society by any member or past member or deceased member shall be a first charge upon the crops and other agricultural produce, cattle, fodder for cattle, agricultural or industrial implements or machinery, raw materials for manufacture and any finished products manufactured from such raw materials belonging to such member, past member or forming part of the estate of the deceased member, as the case may be.

(2) No person shall transfer any property which is subject to a charge under sub-section (1) except with the previous permission in writing of the co-operative society which holds the charge.

Acts of co-operative societies not to be invalidated by certain defects.

Co-operative societies to be bodies corporate.

First charge of co-operative society on certain assets.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

of 1883.

of 1884.

(3) Notwithstanding anything contained in any law for the time being in force, any transfer of property made in contravention of the provisions of sub-section (2) shall be void.

(4) The charge created under sub-section (1) shall be available as against any claim of the Government arising from a loan granted under the Land Improvement Loans Act, 1883 or the Agriculturists Loans Act, 1884, after the grant of the loan by the co-operative society.

32. Notwithstanding anything contained in this Regulation or in any other law for the time being in force,—

(i) any person who makes an application to a society of which he is a member for a loan shall, if he owns any land or has interest in any land as a tenant, make a declaration in the prescribed form which shall state that the applicant thereby creates a charge on such land or interest specified in the declaration for the payment of the amount of the loan which the society may make to the member in pursuance of the application and for all future advances, if any, required by him which the society may make to him as such member subject to such maximum as may be determined by the society together with interest on such amount of the loan and advances;

(*ii*) any person who has borrowed a loan from a society of which he is a member before the commencement of this Regulation, and who owns any land or has any interest in any land as a tenant shall, in a case where such loan subsists immediately before such commencement, make a declaration in the form and to the effect referred to in clause (*i*);

(iii) a declaration made under clause (i) or clause (ii) may be varied at any time by a member with the consent of the society in favour of which a charge referred to in clause (i) is created;

(*iv*) no member shall alienate the whole or any part of the land or interest therein, specified in the declaration made under clause (*i*) or clause (*ii*) until the whole amount borrowed by the member together with interest thereon is paid in full:

Provided that for the purpose of paying in full the whole amount borrowed by the member together with interest thereon to the society, the member may, with the previous permission in writing of the society and subject to such conditions as the society may impose, alienate the whole or any part of such land or interest therein:

Provided further that the standing crops on any such land may be alienated with the previous permission of the society;

(v) any alienation made in contravention of the provisions of clause (iv) shall be void;

(vi) subject to the prior claims of the Government in respect of land revenue or any money recoverable as land revenue, there shall be a first charge in favour of the society on the land or interest specified in the declaration made under clause (i) or clause (ii) for and to the extent of the dues owing by him on account of the loan and advances;

Charge on immovable property of members borrowing loans from certain societies.

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(vii) the record of rights shall also include the particulars of every charge on land or interest created under a declaration under clause (i) or clause (ii).

Explanation.—For the purposes of this section, "society" means any co-operative society or class of co-operative societies specified in this behalf by the Chief Commissioner by a general or special order.

33. A co-operative society shall have a charge on the share or contriand set-off bution or interest in the capital and on the deposits of a member or past member or deceased member and on any dividend, bonus or profits payable to a member or past member or the estate of a deceased member in 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 member or the estate of a deceased member in or towards payment of any such debt.

Share or contribution or interest not liable to attachment.

Charge

contribution

of the

in respect

of share or

or interest

members.

34. (1) Subject to the provisions of section 33, the share or contribution or interest of a member or past member or deceased member in the capital of a co-operative society shall not be liable to attachment or sale under any decree or order of any court in respect of any debt or liability incurred by such member, and an official assignee or a receiver under any law relating to insolvency shall not be entitled to or have any claim on such share or contribution or interest.

(2) The reserve fund, or the bad debt reserves, or the provident fund of the employees, of a co-operative society invested by such society in accordance with the provisions of this Regulation and the rules shall not be liable to attachment under any decree or order of a court in respect of any debt or liability incurred by the society.

Register of members.

35. Any register or list of members or shares kept by any co-operative society shall be prima facie evidence of any of the following particulars entered therein, namely:---

(a) the date on which any person entered in such register or list became a member;

(b) the date on which any such person ceased to be a member.

Admissibility of copy of entry as evidence.

36. (1) A copy of any entry in a book of a co-operative society regularly kept in the course of its business, shall, if certified in such manner as may be prescribed, 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 of a co-operative society and no officer in whose office the books of a co-operative 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 society's books or documents the contents of which can be proved under this section, or to appear as a witness to prove the matters, transactions and accounts therein recorded, except under an order of a court or an arbitrator made for special cause.

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37. Nothing in clauses (b) and (c) of sub-section (1) of section 17 of the Registration Act, 1908 shall apply to—

(1) any instrument relating to shares in a co-operative society notwithstanding that the assets of the society consist in whole or in part of immovable property; or

(2) any debenture issued by any such society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property except in so far as it entitles the holder thereof to the security afforded by a registered instrument whereby the society has mortgaged, conveyed, or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or

(3) an endorsement upon or transfer of any debenture issued by any such society.

38. If the Chief Commissioner is of opinion that it is necessary in the public interest so to do, he may, by notification in the Official Gazette,—

(a) remit in respect of any class of co-operative societies any fee payable under any law for the time being in force relating to the registration of documents or court-fees;

- (b) exempt any class of co-operative societies from payment of-
 - (i) land revenue;
 - (ii) taxes on agricultural income;
 - (iii) taxes on sale or purchase of goods; or
 - (iv) taxes on professions, trades, callings and employments.

39. (1) Notwithstanding anything contained in any law for the time being in force, a member of a co-operative society may execute an agreement in such form as may be prescribed 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 as may be specified in the agreement but not exceeding one-third of the salary or wages 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) On the execution of such agreement, the employer or the officer disbursing the salary or wages of the members shall, if so required by the co-operative society by a requisition in writing and so long as the society does not intimate that the whole of such debt or other demand has been paid, make the deduction in accordance with the agreement and pay the amount so deducted to the society within fourteen days from the date of the deduction.

(3) If after the receipt of a requisition made under sub-section (2), the employer or the officer disbursing the salary or wages of the member at any time fails to deduct the amount specified in the requisition or makes default in remitting the amount deducted to the society, the society shall be entitled to recover any such amount from such employer or

Deduction from salary to meet cooperative society's claim in certain

Exemp. tion from certain taxes, fees and

duties.

Exemption. from compulsory registration of instruments

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officer, as the case may be, as arrears of land revenue and the amount due from such employer or officer shall rank in priority in respect of the liability of such employer or officer equal to that of the salary or wages in arrears.

(4) The employer or the officer disbursing the salary or wages shall maintain such registers as may be prescribed by the Chief Commissioner or the Registrar from time to time.

(5) When a requisition in writing from any co-operative society registered or deemed to be registered in any State in respect of a member of that society who for the time being is employed in the Union territory, is received by his employer, the requisition shall be acted upon as if it had been made by a co-operative society in the Union territory.

40. Notwithstanding anything contained in any law for the time being in force, the Government may-

(a) subscribe to the share capital of a co-operative society;

(b) give loans or make advances to a co-operative society;

(c) guarantee the repayment of principal and payment of interest on debentures issued by a co-operative society;

(d) guarantee the repayment of share capital of a co-operative society and dividends thereon at such rates as may be specified by the Government;

(e) guarantee the repayment of principal and payment of interest on loans and advances to a co-operative society; and

(f) give financial assistance in any other form, including grants and subsidies, to a co-operative society.

CHAPTER VI

PROPERTIES AND FUNDS OF CO-OPERATIVE SOCIETIES

41. No part of the funds of a co-operative society shall be divided 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 bye-laws:

Provided further that after at least one-fourth of the net profits in any year have 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 co-operative 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 or as may be specified in the bye-laws:

Provided also that no dividend shall be paid on the paid-up share capital of members at a rate exceeding twelve per cent. per annum.

Funds not to be divided by

Other forms of

to cooperative

State aid

societies.

way of

profit.

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42. Any co-operative society may, with the sanction of the Registrar, after one-fourth of the net profits in any year has been carried to a reserve fund, contribute an amount not exceeding five per cent. of the remaining net profits to any purpose connected with the development of co-operative movement or charitable purpose as defined in section 20 of the Charitable Endowments Act. 1890.

43. A co-operative society shall out of its net profits in any year credit such portion of the profits not exceeding five per cent. as may be prescribed to the Co-operative Education Fund constituted under the rules.

44. (1) A co-operative society may invest or deposit its funds-

(a) in the post office savings bank; or

(b) in any of the securities specified in section 20 of the Indian Trusts Act, 1882; or

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(c) in the shares or securities of any other co-operative society,

(d) in any banking company as defined in section 5 of the Banking Regulation Act, 1949 approved in this behalf by the Registrar; or

(e) in any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970; or

(f) in the State Bank of India constituted under section 3 of the State Bank of India Act, 1955 or in any subsidiary bank as defined in section 2 of the State Bank of India (Subsidiary Banks) Act, 1959.

(2) Every investment or deposit made by a co-operative society of its funds before the commencement of this Regulation which would have been valid if this Regulation had been in force at the time or times such investment or deposit was made, shall be deemed to have been made under this Regulation.

45. (1) A co-operative society shall not make a loan to any person other than a member:

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

(2) Notwithstanding anything contained in sub-section (1), a cooperative society may make a loan to a depositor on the security of his deposit.

46. A co-operative society shall receive deposits and loans only to such extent and under such conditions as may be prescribed or as may be specified in the bye-laws.

47. Save as otherwise provided in sections 45 and 46, every transaction of a co-operative society with any person, other than a member, shall be subject to such prohibitions and restrictions, if any, as may be prescribed. Restrictions on loans

Restrictions on

Restric-

transactions with non-members:

other

borrowing.

Contribution to Cooperative Education Fund. Investment

of funds.

Contribu-

charitable purpose.

tion to

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CHAPTER VII

AUDIT, INQUIRY, INSPECTION AND SURCHARGE

Audit.

48. (1) The Registrar shall audit or cause to be audited by a person authorised by him by general or special order in writing in this behalf, the accounts of every co-operative society at least once in each 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 co-operative society.

(3) The person auditing the accounts of a co-operative society shall have free access to the books, accounts, papers, vouchers, stock and other property of the society and shall be allowed to verify its cash balance and securities.

(4) The directors, members of the staff, administrators and other officers of every co-operative society shall furnish to the person auditing its accounts all such information as to its transactions and working as such person may require.

(5) The Registrar or the person authorised by him under subsection (1) to audit the accounts of a co-operative society shall have power, where necessary,—

(a) to summon at the time of his audit any officer, agent, servant or member of the society, past or present, who, he has reason to believe, can give valuable information in regard to transactions of the society or the management of its affairs; and

(b) to require the production of any book or document relating to the affairs of, or any cash or securities belonging to, the society by any officer, agent, servant or member of the society in possession of such books, documents, cash or securities and in the event of serious irregularities discovered during audit, to take them into custody.

(6) If at the time of audit the accounts of a society are not complete, the Registrar or the person authorised by him under sub-section (1) to audit, may cause the accounts to be written up at the expense of the society.

(7) Audit fee, if any, due from any co-operative society shall be recoverable in the same manner as is provided in section 67.

49. (1) The Registrar, or any person authorised by the Registrar by general or special order in this behalf, may inspect a co-operative society.

(2) For the purpose of inspection, the Registrar or the person authorised to make the inspection shall at all times have access to all books, accounts, papers, vouchers, securities, stock and other property of the cooperative society and may in the event of serious irregularities discovered during the inspection take them into custody and shall have power to verify the cash balance of the society and subject to the general or special order of the Registrar to call a meeting of the committee and a general meeting.

Inspection of co-operative societies.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

(3) Every officer or member of a co-operative society shall furnish such information with regard to the working of the society as the Registrar or the person authorised to make the inspection may require.

50. (1) The Registrar may, of his own motion or on the application of Inquiry by a majority of the members 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 co-operative society.

(2) The Registrar or the person authorised by him under sub-section (1) shall have the following powers, namely: ----

(a) he shall at all reasonable times have free access to the books. documents, securities, accounts, 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 the headquarters of the society or any branch thereof;

(b), he may, notwithstanding any rule or bye-law specifying 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 to consider such matters, as may be directed by him; and where the officers of the society refuse or fail to call such a meeting he shall have power to call it himself;

(c) he may summon any person who is reasonably believed by him to have any knowledge 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.

(3) Any meeting called under clause (b) of sub-section (2) shall have all the powers of a general meeting called under the bye-laws of the society and its proceedings shall be regulated by such bye-laws.

(4) The Registrar shall communicate a brief summary of the report of the inquiry to the society, the credit agency, if any, to which the society is affiliated, and to the persons or authority, if any, at whose instance the inquiry is made.

51. (1) The Registrar shall, on the application of a creditor of a cooperative society, inspect or direct some person authorised by him by order in writing in this behalf to inspect the books of the society:

Inspection of books of indebted societies.

Provided that no such inspection shall be made unless the applicant-

(a) satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and

(b) deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(2) The Registrar shall communicate the result of any such inspection to the creditor.

Registrar.

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THE GAZETTE OF INDIA EXTRAORDINARY

[PART II-

52. Where an inquiry is held under section 50, or an inspection is made under section 51, the Registrar may apportion the costs, or such part of the costs, as he may think fit between the society, the members or creditor demanding an inquiry or inspection, and the officers or former officers and the members or past members of the society:

Provided that—

(a) no order of apportionment of the costs shall be made under this section unless the society or the person liable to pay the costs thereunder has had a reasonable opportunity of being heard;

(b) the Registrar shall state in writing under his own hand the grounds on which the costs are apportioned.

53. Any sum awarded by way of costs under section 52 may be recovered, on application to a Magistrate having jurisdiction in the place where the person, from whom the money is claimable, actually and voluntarily resides or carries on business, and such Magistrate shall recover the same as if it were a fine imposed by himself.

54. (1) If in the course of an audit, inquiry, inspection or the winding up of a co-operative society, it is found that any person, who is or was entrusted with the organisation or management of such society or who is or has at any time been an officer or an employee of the society, has made any payment contrary to this Regulation, the rules or the bye-laws or has caused any deficiency in the assets of the society by breach of trust or wilful negligence or has misappropriated or fraudulently retained any money or other property belonging to such society, the Registrar may, of his own motion or on the application of the committee, liquidator or any creditor, inquire himself or direct any person authorised by him, by an order in writing in this behalf, to inquire into the conduct of such person:

Provided that no such inquiry shall be held after the expiry of six years from the date of any act or omission referred to in this subsection.

(2) Where an inquiry is made under sub-section (1), the Registrar may, after giving the person concerned an opportunity of being heard, make an order requiring him to repay or restore the money or property or any part thereof, with interest at such rate, or to pay contribution and costs or compensation to such extent, as the Registrar may consider just and equitable.

CHAPTER VIII

SETTLEMENT OF DISPUTES

55. (1) Notwithstanding anything contained in any law for the time being in force, if any dispute touching the constitution, management or the business of a co-operative 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 employee of the society or liquidator, past or present, or

Recovery of costs.

Su**r**charge.

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Costs of

inspection.

inquiry

and

Disputes which may be referred to arbitration.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

(c) between the society or its committee and any past committee, any officer, agent or employee, or any past officer, past agent or past employee or the nominee, heirs or legal representatives of any deceased officer, deceased agent, or deceased employee of the society, or

(d) between the society and any other co-operative society, between a society and liquidator of another society or between the liquidator of one society and the liquidator of another society,

such dispute shall be referred to the Registrar for decision and no court shall have jurisdiction to entertain any suit or other proceedings in respect of such dispute.

(2) For the purposes of sub-section (1), the following shall be deemed to include disputes touching the constitution, management or the business of a co-operative society, namely:—

(a) a claim by the 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;

(b) a claim by a surety against the principal debtor where the society has recovered from the surety any amount in respect of any debt or demand due to it from the principal debtor as a result of the default of the principal debtor, whether such debt or demand is admitted or not;

(c) any dispute arising in connection with the election of any officer of the society.

(3) If any question arises whether a dispute referred to the Registrar under this section is or is not a dispute touching the constitution, management or business of a co-operative society, the decision thereon of the Registrar shall be final and shall not be called in question in any court.

56. (1) The Registrar may, on receipt of the reference of dispute Reference of dis-

(a) decide the dispute himself, or

(b) transfer it for disposal to any person who has been invested by the Chief Commissioner with powers in that behalf, or

(c) subject to such rules as may be prescribed, refer it for disposal to an arbitrator or arbitrators appointed by the Registrar.

(2) Subject to such rules as may be prescribed, the Registrar may withdraw any reference transferred under clause (b) of sub-section (1) or referred under clause (c) of that sub-section and decide it himself.

(3) 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 arbitrators 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.

Reference of disputes to arbitration.

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PART II---

(4) (a) Any decision of the Registrar under clause (a) of sub-section (1) or under sub-section (3) shall be final and shall not be called in question in any 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 (3), be final and shall not be called in question in any court.

CHAPTER IX

WINDING UP OF CO-OPERATIVE SOCIETIES

Winding up of cooperative societies.

57. (1) If the Registrar, after an inquiry held under section 50, or an inspection made under section 51, or on receipt of an application made by not less than three-fourths of the members of a co-operative society, is of opinion that the society ought to be wound up, he may after giving the society an opportunity of making its representation, by order, direct it to be wound up.

(2) The Registrar may of his own motion make an order directing the winding up of a co-operative society—

(a) where it is a condition of the registration of a society that the society shall consist of at least ten members and the number of members has been reduced to less than ten; or

(b) where the society has not commenced working or has ceased to function in accordance with co-operative principles.

(3) The Registrar may cancel an order for the winding up of a cooperative society, at any time, in any case where, in his opinion, the society should continue to exist.

(4) A copy of such order shall be communicated by registered post to the society and to the credit agency, if any, of which the society is a member.

(5) Where an appeal against an order for the winding up of a cooperative society is not presented within the period specified under subsection (2) of section 68, the order shall take effect on the expiry of that period.

(6) Where an appeal against an order for the winding up of a co-operative society is presented within the period specified under sub-section (2) of section 68, the order shall not take effect until it is confirmed by the Chief Commissioner and such confirmation is communicated to the society.

58. (1) Where the Registrar has made an order under section 57 for the winding up of a co-operative society, he may appoint a liquidator for the purpose and fix his remuneration.

(2) Notwithstanding anything contained in sub-section (5) or subsection (6) of section 57 a liquidator shall, on appointment, take into his custody or under his control all the property, effects and actionable claims to which the co-operative society is or appears to be entitled and shall take all such steps as he may deem necessary or expedient, to prevent loss or deterioration of, or damage to, such property, effects and

Liquidator.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

claims and he may carry on the business of the society so far as may be necessary with the previous approval of the Registrar.

(3) Where an appeal is preferred under section 68 against an order for the winding up of a co-operative society made under section 57 the liquidator shall continue to have custody or control of the property, effects and actionable claims mentioned in sub-section (2) and have authority to take the steps referred to in that sub-section until the dispo-

sal of the appeal.

(4) Where an order for the winding up of a co-operative society is set aside in appeal, the property, effects and actionable claims of the society shall re-vest in the society.

(5) The Registrar may, for reasons to be recorded in writing, remove a liquidator appointed under this section and appoint another liquidator in his place.

59. (1) Subject to any rules made in this behalf, the whole of the Powers assets of a co-operative society, in respect of which an order for winding of liquiup has been made, shall vest in the liquidator appointed under section dator. 58 from the date on which the order takes effect and the liquidator shall have power to realise such assets by sale or otherwise.

(2) 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 co-operative society by the name of his office;

(b) to determine, from time to time, the contribution (including debts due and costs of liquidation) 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 co-operative society;

(c) to investigate all claims against the co-operative society and subject to the provisions of this Regulation to decide questions of priority arising between claimants;

(d) to pay claims against the co-operative society including interest up to the date of winding up according to their respective priorities, if any, in full or rateable, as the assets of the society may permit; the surplus, if any, remaining after payment of the claims being applied in payment of interest from the date of such order of winding up 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 liquidation are to be borne;

(f) to determine whether any person is a member, past member or nominee of a deceased member;

(g) to give such directions in regard to the collection and distribution of the assets of the co-operative society as may appear to him to be necessary for the winding up of its affairs;

(h) to carry on the business of the co-operative society so far as may be necessary for its beneficial winding up;

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(i) to make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging to have any claim, present or future, whereby the co-operative society may be rendered liable;

(j) to make any compromise or arrangement with any person between whom and the co-operative society there exists any dispute and to refer any such dispute to arbitration;

(k) after consulting the members of the co-operative society, to dispose of the surplus, if any, remaining after paying the claims against the society, in such manner as may be prescribed; and

(1) to compromise all calls or liabilities to calls and debts and liabilities capable of resulting in debts, and all claims, present or future, certain or contingent, subsisting or alleged to subsist between the co-operative society and a contributory or alleged contributory or other debtor or person apprehending liability to the cooperative society and all questions in any way relating to or affecting the assets or the winding up of a co-operative society on such terms as may be agreed and take any security for the discharge of any such call, liability, debt or claim and give a completed discharge in respect thereof.

(3) When the affairs of a co-operative society have been wound up, the liquidator shall make a report to the Registrar and deposit the records of the society in such place as the Registrar may direct.

60. Notwithstanding anything contained in any law relating to insolvency, the contribution assessed by a liquidator shall rank next to debts due to the Government or to any local authority in order of priority in insolvency proceedings.

61. (1) The Registrar may after considering the report of the liquidator made to him under sub-section (3) of section 59 order the registration of the co-operative society to be cancelled.

(2) An order passed under sub-section (1) shall be communicated by registered post to the president of the society and to the credit agency, if any, of which the society was a member.

CHAPTER X

EXECUTION OF AWARDS, DECREES, ORDERS AND DECISIONS

Enforcement of charge.

Priority

assessed

by liquidator.

Power of Registrar

to cancel

registration of a

co-opera-

society.

tive

of contributions

> 62. Notwithstanding anything contained in Chapter VIII or any other law for the time being in force but without prejudice to any other mode of recovery provided in this Regulation, the Registrar or any person subordinate to him empowered by the Registrar in this behalf may, on the application of a co-operative society, 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 therein, which is subject to a charge under section 31:

> Provided that no order shall be made under this section unless the member, past member or the nominee, heir or legal representative of the deceased member, has been served with a notice in the prescribed

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manner and has failed to pay the debt or outstanding demand within seven days from the date of such notice.

63. Every decision, award or order made under section 54, section Execution 56 section 62 or section 68 shall, if not carried out,---

(a) on a certificate signed by the Registrar, or any person authorised by him in this behalf, be deemed to be a decree of a civil court and shall be executed in the same manner as a decree of such court; or

(b) be executed, by the Registrar or any other person subordinate to him empowered by the Registrar in this behalf, by attachment and sale or by sale without attachment of any property of the person or co-operative society against whom the decision, award or order has been made.

64. Every order made by the liquidator under section 59 shall be exe- Execution cuted according to the law for the time being in force for the recovery of of orders arrears of land revenue. of liquidator.

65. If the Registrar is satisfied on an application, report or enquiry Attachthat any person with intent to delay or obstruct the enforcement of any ment of order, decision or award that may be made against him under the pro- property before visions of this Regulationaward or

order. (a) is about to dispose of the whole or any part of the property;

(b) is about to remove the whole or any part of the property from the jurisdiction of the Registrar, the arbitrator or the liquidator, as the case may be,

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

66. The Registrar or any person empowered by him in this behalf Registrar shall be deemed, when exercising any powers under this Regulation for or person the recovery of any amount by attachment and sale or by sale without ed by him attachment of any property, or when passing any orders on any appli- to be civil cation made to him for such recovery or for taking a step-in-aid of such court for recovery, to be a civil court for the purposes of article 136 of the First certain Schedule to the Limitation Act, 1963.

36 of 1963.

or

67. (1) All sums due from a co-operative society, or from an officer Recovery or member or past member of a co-operative society as such, to the Gov- of sums ernment, including any costs awarded to the Government under any Governdue to provision of this Regulation, may, on a certificate issued by the Registrar ment. in this behalf, be recovered in the same manner as arrears of land revenue.

(2) Sums due from a co-operative 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 o. the members of which is limited, from the members, past members or the estates of deceased members, subject to the limit of their liability;

purposes.

of orders. etc.

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and, thirdly in the case of other societies, from the members, past members or the estates of the deceased members:

Provided that the liability of past members and the estates of deceased members shall in all cases be subject to the provisions of section 22.

CHAPTER XI

APPEALS AND REVISION

Appeals.

68. (1) An appeal shall lie under this section against—

(a) an order of the Registrar made under sub-section (2) of section 8 refusing to register a co-operative society;

(b) an order of the Registrar made under sub-section (4) of section 10 refusing to register an amendment of the bye-laws of a co-operative society or under sub-section (6) (ii) of that section compulsorily registering an amendment to such bye-laws;

(c) a decision of a co-operative society, other than a producers' society, refusing to admit any person as a member of the society, who is otherwise duly qualified for membership under the bye-laws of the society;

(d) a decision of a co-operative society expelling any of its members;

(e) an order made by the Registrar under section 27 removing the committee of a co-operative society;

(f) an order made by the Registrar under section 52 apportioning the costs of an inquiry held under section 50 or an inspection made under section 51;

(g) an order of surcharge made by the Registrar under section 54;

(h) a decision or award made under section 56;

(i) an order made by the Registrar under section 57 directing the winding up of a co-operative society;

(j) an order made by a liquidator of a co-operative society in exercise of the powers conferred on him by section 59;

(k) an order made under section 65.

(2) An appeal against any decision, award or order under sub-section(1) shall be made within sixty days from the date of the decision, award or order,—

(a) if the decision, award or order was made by the Registrar, to the Chief Commissioner; or

(b) if the decision, award or order was made by any other person, to the Registrar:

Provided that where the Registrar is deemed to have refused registration of a society under sub-section (4) of section 8 and an appeal is intended to be filed against such refusal, such appeal may be filed within

THE GAZETTE OF INDIA EXTRAORDINARY SEC. 1]

sixty days from the expiry of the period of three months referred to in sub-section (3) of that section:

Provided further that the appellate authority may admit an appeal after the said period or sixty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(3) No appeal shall lie under this section from any decision or order made by the Registrar in appeal.

(4) In disposing of an appeal under this section, the appellate authority may, after giving the parties an opportunity of making their representation, pass such order thereon as that authority may deem fit.

(5) The decision or order of the appellate authority on appeal shall be final.

69. The Chief Commissioner may, either suo motu or on an application, Revision. call for and examine the records of any proceedings in which no appeal lies to the Chief Commissioner under section 68 for the purpose of satisfying himself as to the legality or propriety of any decision, award or order made and if in any case it shall appear to the Chief Commissioner that any such decision, award or order should be modified, annulled or revised, the Chief Commissioner may, after giving the party to be affected thereby an opportunity of being heard, pass such order thereon as he may deem fit.

70. Where an appeal is made under section 68 or where the Chief Inter-Commissioner calls for the records of a case under section 69, the locutory appellate authority or the Chief Commissioner, as the case may be, may, orders. in order to prevent the ends of justice being defeated, make such interlocutory orders, including an order of stay, pending the decision of the appeal or revision as such authority or the Chief Commissioner may deem fit.

CHAPTER XII

OFFENCES AND PENALTIES

71. (1) It shall be an offence under this Regulation if—

(a) the committee, an officer, employee or any member of a co-ment for operative society wilfully makes a false return or furnishes false in- certain offences. formation or disobeys a lawful order or direction issued under the provisions of this Regulation;

(b) any person wilfully or without any reasonable cause disobeys any summons, requisition or other lawful order or direction issued under this Regulation;

(c) any person wilfully withholds or fails to furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Regulation;

(d) any person acts in contravention of section 31 or section 32;

(e) the committee or a member thereof wilfully fails to produce books, accounts, documents, records, securities, cash and other properties belonging to or in the custody of a co-operative society.

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THE GAZETTE OF INDIA EXTRAORDINARY [PART II-

(2) An offence under sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

72. (1) No person, other than a co-operative society, shall trade or carry on business under any name or title of which the word "co-operation of use tive" or its equivalent in any Indian language is part without the sanction of the Government:

> Provided that nothing in this sub-section shall apply to the use by any person or his successor-in-interest of any name or title under which he traded or carried on business on the date on which the Co-operative Societies Act, 1912 came into operation.

2 of 1912.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred rupees and in the case of a continuing offence with further fine of fifty rupees for each day on which the offence is continued after conviction thereof.

73. Any co-operative society or any officer or member thereof or any other person contravening the provisions of this Regulation for which no punishment is expressly provided herein shall be punishable with fine which may extend to fifty rupees.

74. (1) No court inferior to that of a Magistrate of the first class shall try any offence under this Regulation.

(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 to the person concerned a reasonable opportunity to represent his case.

CHAPTER XIII

MISCELLANEOUS

75. Every co-operative society shall have an address registered in the manner prescribed to which all notices and communications may be sent, and shall send to the Registrar notice of every change thereof within thirty days of such change.

76. Every co-operative society shall keep a copy of this Regulation, the rules and its bye-laws and also a list of its members, open to inspection free of charge at all reasonable times at the registered address of the society.

A. CATA Power to exempt cooperative societies from conditions as to registration.

77. Notwithstanding anything contained in this Regulation, the Chief Commissioner may, by special order in each case and subject to such conditions, if any, as he may impose, exempt any co-operative society from any of the requirements of this Regulation as to registration, if he is satisfied that such exemption is necessary having regard to the nature of the activities of the society or that such exemption is necessary in the public interest or in the interest of the co-operative movement.

Address

operative

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Copy of

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78. The Chief Commissioner may, by general or special order, exempt Power to any co-operative society or any class of co-operative societies from any exempt coof the provisions of this Regulation or may direct that such provisions operative societies shall apply to such societies or class of societies with such modifications from proas may be specified in the order if he is satisfied that such exemption or visions of direction is necessary having regard to the nature of the activities of the Reguthe society or class of societies or that such exemption or direction is lation. necessary in the public interest or in the interest of the co-operative movement.

79. The Registrar, a person appointed to assist the Registrar under Registrar section 3, a person authorised to audit the accounts of a co-operative so- and other ciety under section 48 or to make an inspection under section 49 or to $\frac{\text{officers}}{\text{to be}}$ hold an inquiry under section 50 and a person appointed as an arbitrator public serunder section 56 or a liquidator appointed under section 58 shall be deem- vants. ed to be public servants within the meaning of section 21 of the Indian Penal Code.

80. No suit shall be instituted against a co-operative society or any of Notice its officers in respect of any act touching the constitution, management necessary or business of the society until the expiration of three months next after in suits. notice in writing has been delivered to the Registrar or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims, and the plaint shall contain a statement that such notice has been so delivered or left.

81. The provisions of the Companies Act, 1956 shall not apply to co- Companies Act not operative societies. to apply.

82. (1) Every society now existing, which has been registered under the Saving of Co-operative Societies Act, 1912, as it applies to the Union territory of the existing Andaman and Nicobar Islands, shall be deemed to be registered under the ^{socie}ties. corresponding provisions of this Regulation, and its bye-laws shall, so far as they are not inconsistent with the provisions of this Regulation or the rules, continue to be in force until altered or rescinded.

(2) All appointments, rules and orders made, all notifications and notices issued and all suits and other proceedings instituted under the said Act shall, so far as they are not inconsistent with the provisions of this Regulation, be deemed to have been respectively made, issued and instituted under this Regulation save that an order cancelling the registration of a co-operative society made under the said Act shall be deemed. unless the society has already been finally liquidated, as an order made under section 57 for its being wound up.

83. (1) Save as otherwise provided in this Regulation, no court shall Bar of have any jurisdiction in respect of-

jurisdiction of

(a) the registration of a co-operative society or its bye-laws or courts. of an amendment of the bye-laws;

(b) the removal of a committee;

(c) any dispute required under section 55 to be referred to the Registrar; and

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(d) any matter concerning the winding up and the dissolution of a co-operative society.

(2) While a co-operative society is being wound up, no suit or other legal proceeding relating to the business of such society shall be proceeded with or instituted against the liquidator as such or against the society or any member thereof, except by leave of the Registrar and subject to such terms as he may impose.

(3) Save as otherwise provided in this Regulation, no order, decision or award made under this Regulation shall be questioned in any court on any ground whatsoever.

84. (1) In exercising the functions conferred on him by or under this Regulation, the Registrar, the arbitrator or any other person deciding a dispute under section 56 and the liquidator of a co-operative society and a person entitled to audit, inspect or hold an inquiry under this Regulation shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) proof of facts by affidavits; and

(d) issuing commissions for examination of witnesses.

(2) In the case of an affidavit, any officer appointed by the Registrar, the arbitrator or any other person deciding a dispute or the liquidator, as the case may be, may administer the oath to the deponent.

Indemnity.

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85. No suit, prosecution or other legal proceeding shall lie against the Registrar or any person subordinate to him or acting on his authority in respect of anything in good faith done or purporting to have been done under this Regulation.

86. (1) The Chief Commissioner 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 provide for all or any of the following matters, namely:—

(i) the maximum number of shares or portion of the capital of a co-operative society which may, subject to the provisions of section 6, be held by a member;

(*ii*) the form to be used and the conditions to be complied with in the making of applications for the registration of a co-operative society and the procedure in the matter of such applications;

(*iii*) the procedure and conditions for change in the form and extent of the liability of co-operative society;

(*iv*) the matters in respect of which a co-operative society may or shall make bye-laws and the procedure to be followed in making,

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Power to make rules. 78

5 of 1908.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

altering and abrogating bye-laws and the conditions to be satisfied prior to such making, alteration or abrogation;

(v) the conditions to be complied with by persons applying for admission or admitted as members, for the election and admission of members, and the payment to be made and the interest to be acquired before the exercise of the right of membership;

(vi) the manner in which funds may be raised by means of shares or debentures or otherwise;

(vii) general meetings of the members and the procedure at such meetings and the powers to be exercised by such meetings;

(*viii*) the prohibitions and restrictions subject to which cooperative societies may transact business with persons who are not members;

(ix) the proportion of individuals and co-operative societies in the constitution of the committee of management and the general body of a co-operative society of which another co-operative society is a member;

(x) subject to the provisions of section 26, the election and nomination of members of committees, the appointment or election of officers and the suspension and removal of the members and other officers, and the powers to be exercised and the duties to be performed by the committees and other officers;

(xi) the appointment and regulation of work entrusted to the person or persons replacing the committee in pursuance of section 27;

(*xii*) prohibiting a co-operative society from electing a defaulting member on its committee or to be its representative;

(*xiii*) the accounts and books to be kept by a co-operative society, the audit of such accounts and the charges, if any, to be made for such audit, and the periodical publication of a balance sheet showing the assets and liabilities of a co-operative society;

(xiv) the returns to be submitted by a co-operative society to the Registrar, 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 expenses of preparing it;

(xv) the persons by whom and the form in which copies of entries in books of co-operative societies may be certified and the charges to be levied for the supply of such copies;

(xvi) 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:

(xvii) the appointment of an arbitrator to decide disputes;

(*xviii*) the procedure to be followed in proceedings before the Registrar, arbitrator or other persons deciding disputes including the appointment of a guardian for a party to the dispute who is a

[PART II-

minor or who, by reason of unsoundness of mind or mental infirmity, is incapable of protecting his interests, and the levy of expenses relating to such proceedings;

(xix) the withdrawal and expulsion of members and the payments, if any, to be made to members who withdraw or are expelled and the liability of past members or the estates of deceased members;

(xx) the mode in which the value of deceased member's share or interest shall be ascertained and the nomination of a person to whom such share or interest may be paid or transferred;

(xxi) the payments to be made and the conditions to be complied with by members applying for loans, the period for which any loans may be made and the maximum amount which may be lent, to any member;

(*xxii*) the formation and maintenance of reserve funds and other funds and the objects to which such funds may be applied, and the investment of any funds under the control of a co-operative society;

(*xxiii*) the extent to which a co-operative society may limit the number of its members;

(xxiv) the conditions under which profits may be distributed to the members of a co-operative society with unlimited liability, and the maximum rate of dividend which may be paid by co-operative societies;

(xxv) the calculation and writing off of bad debts by co-operative societies;

(xxvi) the procedure to be followed by a liquidator appointed under section 58 in respect of the provisions of section 59;

(xxvii) the procedure to be followed in presenting and disposing of appeals under this Regulation;

(*xxviii*) the issue and service of processes and for proof of service thereof;

(xxix) the manner of effecting attachment;

(xxx) the custody, preservation and sale of property under attachment;

(xxxi) the investigation of claims by persons other than the defaulter to any right or interest in the attached property, and the postponement of sale pending such investigation;

(xxxii) the immediate sale of perishable articles;

(xxxiii) the inspection of documents in the office of the Registrar or of any other officer or authority and the levy of fees for granting certified copies of the same;

(xxxiv) the terms and conditions on which Government may make share capital contribution or give financial or other assistance to co-operative societies and the terms and conditions on which the Government may guarantee the payment of the principal or interest on debentures issued by co-operative societies or loans or deposits raised by them;

THE GAZETTE OF INDIA EXTRAORDINARY. SEC. 1]

(xxxv) the manner in which funds may be raised by a cooperative society or a class of co-operative societies by means of shares or debentures or otherwise and the quantum of funds so raised;

(xxxvi) the qualifications for members of the committee and employees of a co-operative society or class of co-operative societies and the conditions of service subject to which persons may be employed by co-operative societies;

(xxxvii) the method of communicating or publishing any order, decision or award required to be communicated or published under this Regulation or the rules; and

(xxxviii) all other matters expressly required or allowed by this Regulation to be prescribed by rules.

87. The Co-operative Societies Act, 1912, in its application to the Repeal Union territory of the Andaman and Nicobar Islands, is hereby repealed: and

Savings.

Provided that such repeal shall not affect-

(a) the previous operation of the said Act or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or

(c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against the said Act; 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 proceedings 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 passed.

V. V. GIRI, President.

K. K. SUNDARAM, Secy. to the Govt. of India.

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असाधारण

EXTRAORDINARY

भाग II---खण्ड 1 PART II---Section 1 प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं० 65] नई दिल्लो, शुक्रवार, नवस्वर 30, 1973/अग्रहायण 9, 1895 No. 65] NBW DELHI, FRIDAY, NOVEMBER 30, 1973/AGRAHAYANA 9, 1895

इस भाग में भिन्न पुष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा ना सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 30th November, 1973/Agrahayana 9, 1895 (Saka)

THE DADRA AND NAGAR HAVELI LAND REVENUE ADMINISTRATION (AMENDMENT) REGULATION, 1973

No. 4 OF 1973

Promulgated by the President in the Twenty-fourth Year of the Republic of India.

A Regulation to amend the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971.

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 Land Revenue Administration (Amendment) Regulation, 1973.

(2) It shall come into force at once.

2 of 1971.

2. In section 6 of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971 (hereinafter referred to as the principal Regulation), for sub-section (1), the following sub-section shall be substituted, namely:---

"(1) The Administrator shall appoint—

(i) a Collector for the Union territory who shall be in charge of the revenue administration thereof; and

(ii) one or more Manlatdars who shall be the chief officer or officers entrusted with the local revenue administration.". commencement. Amend-

Short

title and

Amendment of section 6.

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THE GAZETTE OF INDIA EXTRAORDINARY [PAR

Amendment of section 11.

Substi-

new section for section 152,

tution of

3. In section 11 of the principal Regulation, for the words and figures "in sections 6, 7 and 8", the words, brackets and figues "in sub-sections (1), (2) and (3) of section 6 and officers of corresponding rank referred to in sections 7 and 8" shall be substituted.

4. For section 152 of the principal Regulation, the following section shall be substituted, namely:-

Record of rights at the commencement of Regu-

lation.

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"152. (1) Until the record of rights for any area in the Union territory is prepared in accordance with the provisions of this Chapter, the existing record of rights in force in that area (hereafter in this section referred to as the existing record) shall be deemed to be the record of rights prepared under this Chapter to the extent the existing record relates to the material particulars required by this Chapter to be included in the record of rights.

(2) Where any material particulars required by this Chapter to be included in the record of rights are not included in the existing record, it shall be lawful for the Collector to authorise the utilisation of any information or particulars collected or ascertained during the survey operations forming part of the last survey undertaken prior to the commencement of this Regulation, whether such survey has been completed or not, for the purpose of bringing the existing record, as far as may be, in accordance with the requirements of this Chapter.

(3) Where any land comprising in a survey number has been validly transferred involving sub-division thereof, it shall be lawful for the Collector to effect, and record in the existing record, the apportionment of the annual land revenue assessment of that land among the sub-divisions thereof, in such manner as may be prescribed, having regard to the area of the land comprised in each sub-division and the assessment rate for the time being in force for the land of the class comprised in that sub-division:

Provided that no apportionment under this sub-section shall be made unless the persons affected thereby have been given a reasonable opportunity of being heard in the matter."

> V. V. GIRI, President.

K. K. SUNDARAM, Secy. to the Govt. of India.

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REGISTERED No. D. 221

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असाधारण

EXTRAORDINARY

भाग II---खण्ड 1

PART II-Section 1 प्राधिकार से प्रकारित PUBLISHED BY AUTHORITY,

सं० 66] नई दिल्लो, श कशार, नवभ्बर 30, 197.3/प्रप्रहायमा 9, 1895 No. 66] NEW DELHI, FRIDAY, NOVEMBER 30, 1973/AGRAHAYANA 9, 1895

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MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 30th November, 1973/Agrahayana 9, 1895 (Saka)

THE DADRA AND NAGAR HAVELI LAND REFORMS (AMENDMENT) REGULATION, 1973

No. 5 OF 1973

Promulgated by the President in the Twenty-fourth year of -the Republic of India.

A Regulation to amend the Dadra and Nagar Haveli Land Reforms Regulation, 1971.

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 Land Reforms (Amendment) Regulation, 1973.

(2) It shall come into force at once.

2. In section 4 of the Dadra and Nagar Haveli Land Reforms Regulation, 1971 (hereinafter referred to as the principal Regulation), for subsection (6), the following sub-section shall be substituted, namely:—

"(6) No agricultural land, including any part thereof, in respect of which occupancy rights are deemed to have been granted to any person under this section shall be transferred by way of sale, lease, mortgage, exchange or otherwise, except in accordance with such rules as may be made in this behalf and, where such transfer is by way of sale, also on payment to the Government of such premium, if any, as may be specified in such rules:

Provided that the premium that may be specified shall not exceed one-half of the difference between the sale price of the land and the occupancy price paid in respect thereof.".

Short title and commencement. Amendment of section

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THE GAZETTE OF INDIA EXTRAORDINARY

[PART II-

Substitution of new section for section 8. 648

Ceiling area. 3. For section 8 of the principal Regulation, the following section shall be substituted, namely:

"8. (1) Subject to the provisions of sub-section (2), the ceiling area of land for the purposes of this Regulation shall be---

(i) 7.5 hectares, in the case of land capable of yielding two or more crops in a year; or

(ii) 11 hectares, in the case of land capable of yielding only one crop in a year; or

(iii) 16 hectares, in the case of any other land.

(2) Where a person possesses land falling under more than one category specified in sub-section (1), then, the land possessed by him shall be converted into land falling under category (*iii*) and for the purpose of such conversion one hectare of land falling under category (*i*) shall be treated as equal to 2 15 hectares of land falling under category (*iii*), and one hectare of land falling under category (*iii*) shall be treated as equal to 1 45 hectares of land falling under category (*iii*).

(3) If any question whether any land is capable of yielding only one crop or more than one crop in a year arises, such question shall be decided by the Collector and his decision thereon shall be final."

4. In section 9 of the principal Regulation,-

(a) in sub-section (1), the following proviso and Explanation shall be inserted at the end, namely:—

'Provided that where the person is a joint family, each major male member of such family shall be entitled to possess-

(i) where such member has no family, so much land as an individual is entitled to possess under this section; or

(ii) where such member has a family, so much land as a family is entitled to possess under this section,

and, in either case, such possession may be either by the member himself or jointly with any other major male member of the joint family.

Explanation.—For the purposes of this sub-section and subsection (3), "family" means a person, his or her spouse and their minor sons and unmarried daughters."

(b) in sub-section (3),-

(i) the words "or joint family" shall be omitted;

(ii) the Explanation shall be omitted.

5. In section 22 of the principal Regulation, in sub-section (1), after clause (g), the following clause shall be inserted, namely:—

"(gg) the amount of annual land revenue assessment relatable to any part of the said land having regard to its area and the assessment rate for the time being in force for the land of the class comprised therein;".

Amend. ment of section 9.

> Amendment of section 22.

SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY

6. In section 28 of the principal Regulation, in sub-section (1), for the proviso, the following proviso shall be substituted, namely:—

"Provided that the land so allotted shall not be transferred by way of sale, mortgage, exchange, gift, lease or otherwise except in accordance with such rules as may be made in this behalf and, where such transfer is by way of sale, also on payment to the Government of such premium (not exceeding one-half of the difference between the sale price of the land and the occupancy price paid in respect thereof under section 29), if any, as may be specified in such rules.".

7. In section 55 of the principal Regulation, in the proviso, for the words "date of publication of this Regulation", the words "date on which any o fthe provisions of this Regulation is first brought into force" shall be substituted.

Amendment of section 55.

Amend. ment of

section 28.

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V. V. GIRI,

President.

K. K. SUNDARAM, Secy. to the Govt. of India.

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REGISTERED No. D. (D)-72

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असाधारण EXTRAORDINARY

भाग II -- खण्ड 1

प्र गिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 22] नई बिल्लो, ज्ञति तर, 'तार्च 30, 1974/चत्र 9, 1896 No. 22] NEW DELHI, SAT URDAY, MARCH 30, 1974/CHAITRA 9, 1896

इस भाग में भिन्न पृष्ठ संख्ला दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सबै। Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 30th March, 1974/Chaitra 9, 1896 (Saka)

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) REGULATION, 1974

NO. 1-OF 1974

Promulgated by the President in the Twenty-fifth Year of the Republic of India.

A Regulation to amend the Code of Criminal Procedure, 1973, in its application to certain Union territorics.

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 Code of Criminal Procedure (Amendment) Regulation, 1974.

(2) It extends to the Union territories of Andaman and Nicobar Islands, Dadra and Nagar Haveli, and Lakshadweep.

(3) It shall come into force at once.

2 of 1974.

2. The Code of Criminal Procedure, 1973 (hereafter in this Regulation referred to as the Code), shall, in its application to the Union territories to which it extends, stand amended to the extent specified in this Regulation.

3. In the Code, as it applies to the Union territory of Audaman and Nicobar Islands, after section 3, the following section shall be inserted, namely:—

title, extent and commencement.

Short

Amendment of the Code of Criminal Procedure, 1973.

Insertion of new section 3A.

THE GAZETTE OF INDIA EXTRAORDINARY [PART II-

Special provision relating to Andaman and Nicobar Islands.

"3A. (1) References in this Code to-

(a) the Chief Judicial Magistrate shall be construed as references to the District Magistrate or, where the State Government so directs, also to the Additional District Magistrate;

(b) a Magistrate or Magistrate of the first class or of the second class or Judicial Magistrate of the first class or of the second class, shall be construed as references to such Executive Magistrate as the State Government may, by notification in the Official Gazette, specify.

(2) The State Government may, if it is of opinion that adequate number of persons are available for appointment as Judicial Magistrates, by notification in the Official Gazette, declare that the provisions of this section shall, on and from such day as may be specified in the notification, cease to be in force and different dates may be specified for different islands.

(3) On the cesser of operation of the provisions of this section, every inquiry or trial pending, immediately before such cesser, before the District Magistrate or Additional District Magistrate or any Executive Magistrate, as the case may be, shall stand transferred, and shall be dealt with, from the stage which was reached before such cesser, by such Judicial Magistrate as the State Government may specify in this behalf."

4. In the Code, as it applies to the Union territories to which this Regulation extends, in sub-section (3) of section 11, for the words "any member of the Judicial Service of the State, functioning as a Judge in a Civil Court", the words "any person discharging the functions of **a** Civil Court" shall be substituted.

5. In the Code, as it applies to the Union territory of Andaman and Nicobar Islands and the Union territory of Lakshadweep,---

(a) after sub-section (1) of section 164, the following sub-section shall be inserted, namely:—

"(1A) Where, in any island, there is no Judicial Magistrate for the time being, and the State Government is of opinion that it is necessary and expedient so to do, that Government may, after consulting the High Court, specially empower any Executive Magistrate (not being a police officer), to exercise the powers conferred by sub-section (1) on a Judicial Magistrate, and thereupon references in section 164 to a Judicial Magistrate shall be construed as references to the Executive Magistrate so empowered.";

(b) in section 167,—

(i) in sub-section (1), after the words "nearest Judicial Magistrate", the words "or, if there is no Judicial Magistrate in an island, to an Executive Magistrate functioning in that island" shall be inserted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:

"(*IA*) Where a copy of the entries in the diary is transmitted to an Executive Magistrate, references in section 167 to a Magistrate shall be construed as references to such Executive Magistrate.";

Amendment of section 11.

Amendment of sections 164, 167, 382 and 388.

(*iii*) to sub-section (3), the following proviso shall be added, namely:—

"Provided that no Executive Magistrate, other than the District Magistrate or Sub-Divisional Magistrate, shall, unless he is specially empowered in this behalf by the State Government, authorise detention in the custody of the police.";

(*iv*) to sub-section (4), the following proviso shall be added, namely:---

"Provided that, where such order is made by an Executive Magistrate, the Magistrate making the order shall forward a copy of the order, with his reasons for making it, to the Executive Magistrate to whom he is immediately subordinate.";

(c) section 382 shall be re-numbered as sub-section (1) of that section, and to sub-section (1) as so re-numbered, the following provisos and *Explanation* shall be added, namely:---

'Provided that, where it is not practicable to file the petition of appeal to the proper Appellate Court, the petition of appeal may be presented to the Administrator or to an Executive Magistrate, not below the rank of a Sub-Divisional Magistrate, who shall forward the same to the proper Appellate Court; and, when any such appeal is presented to the Administrator or to an Executive Magistrate, he shall record thereon the date of its presentation and, if he is satisfied that, by reason of the weather, transport or other difficulties, it is not possible for the appellant to obtain, from the proper Appellate Court, orders for the suspension of sentence or for bail, he may, in respect of such appeal, or an appeal forwarded to him under section 383, exercise all or any of the powers of the proper Appellate Court under sub-section (1) of section 389 with regard to suspension of sentence or release of a convicted person on bail:

Provided further that the order so made by the Administrator or the Executive Magistrate shall have effect until it is reversed or modified by the proper Appellate Court.

Explanation.—For the purposes of the provisos to this section, and section 383, "Administrator", in relation to a Union territory, means the Administrator appointed by the President under article 239 of the Constitution, for that Union territory.';

(d) in section 382, after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) For the purposes of computation of the period of limitation, and for all other purposes, an appeal presented to an Administrator or an Executive Magistrate under sub-section (1) or, as the case may be, under section 383, shall be deemed to be an appeal presented to the proper Appellate Court.";

THE GAZETTE OF INDIA EXTRAORDINARY [PART II-SEC. 1]

(e) in section 383, the following words shall be inserted at the end, namely: ---

"or if, by reason of the weather, transport or other difficulties, it is not possible to forward them to the proper Appellate Court, they shall be forwarded to the Administrator or an Executive Magistrate, not below the rank of a Sub-Divisional Magistrate, who shall, on receipt of such petition of appeal and copies, record thereon the date of receipt thereof and thereafter forward the same to the proper Appellate Court.".

6. In the Code, as it applies to the Union territories to which this Regulation éxtends, in section 478, the words "If the State Legislature by a resolution so requiries," shall be omitted.

V. V. GIRI, President.

K. K. SUNDARAM, Secy. to the Govt. of India.

Amendment of section 478.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELRI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1974

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असाधारण

EXTRAORDINARY

भाग II--@ण्ड 1

PART II-Section 1 प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 27]नई दिल्ली, सोमवार, म्रप्रेल 8, 1974 चैत्र 18, 1896No. 27]NEW DELHI, MONDAY, APRIL 8, 1974/CHAITRA 18, 1896

इस भाग में भिन्न पृष्ठ संख्या दी जाती ह⁴ 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, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 8th April, 1974/Chaitra 18, 1896 (Saka)

THE PAYMENT OF WAGES (LAKSHADWEEP AMENDMENT) REGULATION, 1974

No. 2 of 1974

Promulgated by the President in the Twenty-fifth Year of the Republic of India.

A Regulation to amend the Payment of Wages Act, 1936, in its application to the Union territory of Lakshadweep.

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 (Lakshadweep Amendment) Regulation, 1974.

Short title, extent and commencement.

(2) It extends to the whole of the Union territory of Lakshadweep.

(3) It shall come into force at once.

(389)

THE GAZETTE OF INDIA EXTRAORDINARY [Part II—Sec. 1]

Amendment of section 5. 390

2. In the Payment of Wages Act, 1936, in its application to the Union territory of Lakshadweep, in section 5, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The wages of every person employed in any 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.".

> V. V. GIRI, President.

K. K. SUNDARAM, Secy. to the Govt. of India.

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REGISTERED No. D-(D)-72

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असाधारण EXTRAORDINARY

भाग II--खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 2] नई दिल्ली, क्षुकवार, जनवरी 10, 1975/पौष 20, 1896 No. 2] NEW DELHI, FRIDAY, JANUARY 10, 1975/PAUSA 20, 1896

इस आग में भिन्न 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, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 10th January, 1975/Pausa 20, 1896 (Saka)

THE PONDICHERRY GENERAL SALES TAX AND MOTOR VEHICLES TAXATION (AMENDMENT)

REGULATION, 1975

No. 1 OF 1975

Promulgated by the President in the Twenty-fifth Year of the Republic of India.

A Regulation further to amend the Pondicherry General Sales Tax Act, 1967 and the Pondicherry Motor Vehicles Taxation Act, 1967

In exercise of the powers conferred by the second proviso to 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 Pondicherry General Sales Tax and Motor Vehicles Taxation (Amendment) Regulation, 1975.

(2) Save as otherwise provided in this Regulation it shall come into force at once.

2. In the Pondicherry General Sales Tax Act, 1967,-

(a) in sub-section (1) of section 3 and in section 6, for the words "two and one half per cent.", the words "three per cent." shall be substituted;

(b) in the First Schedule,-

(i) in serial numbers 1 to 14, in column (4), for the figures "10", the figures "12" shall be substituted;

and commencement.

Short title

Amendment of Pondicherry Act 6 of 1967.

(5)

(ii) in serial number 16, in column (4), for the figures " $4\frac{1}{2}$ ", the figures " $5\frac{1}{2}$ " shall be substituted;

(iii) in serial number 27, in column (4), for the figure "3", the figure "4" shall be substituted;

(iv) in serial number 38, in column (4), for the figure "3", the figure "5" shall be substituted;

(v) in serial number 41, in column (4), for the figure "3", the figure "5" shall be substituted;

(vi) in serial number 46, in column (4), for the figure "5", the figure "7" shall be substituted;

(vii) after serial number 49 and the entries relating thereto, the following shall be inserted, namely:---

(1)	(2)	(3)	(4)
"50.	Keroséne	At the point of first sale in the Union territory	3
51.	Soaps (including soap flakes, soap powders, detergent powders and liquids and metal polishing bars)	do.	2
52.	Steel furniture	do.	3
53.	Timber	do.	3
54.	Bricks	do.	4
55.	Articles made of stainless steel	do.	3
56.	Pile carpets	do.	6
57.	Ceramic and mosaic tiles, glazed floor and wall tiles	do.	6
58.	Molasses	do.	10";

(c) in the Third Schedule,-

(i) items 3, 17, 51 and 52 and the entries relating thereto shall be omitted;

(ii) in item 33, for the words "Chillies, chilly-powder, tamarind, turmeric", the word "Turmeric" shall be substituted.

3. In the Pondicherry Motor Vehicles Taxation Act, 1967, for Schedule I and Schedule II, the following Schedules shall be substituted, and shall be deemed to have been substituted with effect from the 25th day of June, 1974, namely:---

"SCHEDULE I

[See section 3(2)]

Class of vehicles Qua	rterly	tax
(I)	(2)	
	Rs.	Р.
1. Motor cycles (including motor scooters and cycles with attach- ment for propelling the same by mechanical power) not excee-		

ding 408 kgs. in weight, unladen :

(a) Bicycles below 31 horse-power if not used for drawing a trailer or side-car. 9.00

Amendment of Pondi. cherry Act 5 of 1967.

THE GAZETTE OF INDIA EXTRAORDINARY

EC.	1]	THE GAZETTE OF INDIA EXTRAORDINARY	7
		(1)	(2)
•			Rs. P.
((b)	Bicycles below $3\frac{1}{2}$ horse-power if used for drawing a trailer or side our and bicycles of and shows all horse power whether	
:	ه.	side-car and bicycles of and above $3\frac{1}{2}$ horse-power whether used for drawing a trailer or side-car or not.	12.00
((c)	Tricycles.	12.00
		valid carriages.	7.20
-		Vehicles—	
	(-)	(a) Vehicles not exceeding 1,000 kgs. in weight, laden.	50.00
		(b) Vehicles exceeding 1,000 kgs. but not exceeding 2,000	₽0 02
		kgs. in weight, laden.	150.00
		(c) Vehicles exceeding 2,000 kgs. but not exceeding 3,000 kgs. in weight, laden.	225 00
		(d) Vehicles exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight, laden.	300+00
		(e) Vehicles exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight, laden.	450°0à
		(f) Vehicles exceeding 5,500 kgs. but not exceeding 7,000 kgs. in weight, laden.	600.00
		(g) Vehicles exceeding 7,000 kgs. but not exceeding 9,000 kgs. in weight, laden.	700°00
		(h) Vehicles exceeding 9,000 kgs. but not exceeding 10,500 kgs. in weight, laden.	800,00
		(i) Vehicles exceeding 10,500 kgs. but not exceeding 12,000 kgs. in weight, laden.	900 •00
		(j) Vehicles exceeding 12,000 kgs. but not exceeding 13,000 kgs. in weight, laden.	97 5 .00
			1,050.00
		(1) Vehicles exceeding 14,000 kgs. but not exceeding 15,000 kgs. in weight, laden.	1,125.00
		(m) Vehicles exceeding 15,000 kgs.	1,125.00
		f 2 c c t 1	lus Rs. 25 or every 250 kgs. of weight or part thereof in excess of 15,000 kgs
	(ii)) Trailers, used for carrying goods other than trailers falling under items 6 and 7 of this Schedule:	
		(a) Vehicles not exceeding 1,000 kgs. in weight, laden.	35.00
		(b) Vehicles exceeding 1,000 kgs. but not exceeding 2,000 kgs. in weight, laden.	90.00
		(c) Vehicles exceeding 2,000 kgs. but not exceeding 3,000 kgs. in weight, laden.	135 ·õØ

(d) Vehicles exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight, laden. 180.00

135.00

Sec. 1]

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THE GAZETTE OF INDIA EXTRAORDINARY

|PART II---

	-ART 11
(I)	(2)
	Rs. P.
(e) Vehicles exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight, laden.	270.00
(f) Vehicles exceeding 5,500 kgs. but not exceeding 7,000 kgs. in weight, laden.	360.00
(g) Vehicles exceeding 7,000 kgs. but not exceeding 9,000 kgs. in weight, laden.	420.00
(h) Vehicles exceeding 9,000 kgs. but not exceeding 10,500 "gs in weight, laden.	480.00
(i) Vehicles exceeding 10,500 kgs. but not exceeding 12,000 kgs. in weight, laden.	540.00
(j) Vehicles exceeding 12,000 kgs. but not exceeding 13,000 kgs. in weight, laden.	600.00
(k) Vehicles exceeding 13,000 kgs. but not exceeding 14,000 kgs. in weight, laden.	690.00
(l) Vehicles exceeding 14,000 kgs. but not exceeding 15,000 kgs. in weight, laden.	800.00
fo 25 of or th cx	800.00 us Rs. 20 r every o kgs. weight part ereof in tress of ,000 kgs.
4. Motor vehicles plying for hire and used for the transport of pas- sengers and in respect of which permits have been issued under the Motor Vehicles Act, 1939 (Central Act 4 of 1939):	
(i) Vehicles permitted to carry in all-	
(a) Not more than three persons.	30.00
(b) More than three persons but not more than five persons (other than the driver).	75.00
 (ii) (a) Vehicles permitted to ply as stage carriages and to carry more than six persons (other than the driver) and plying ex- clusively within the limits of an urban area— 	
(i) For every seated passenger (other than the driver and conductor) which the vehicle is permitted to carry.	65.00
(ii) For every passenger (other than a seated passenger, driver or the conductor) which the vehicle is permitted to	20100
carry. Explanation.—"Urban area" means those areas declared as such under rule 4·13 of the Delhi Motor Vehicles Rules, 1940 as made applicable to the Union territory of Pondicherry and includes the distances covered through enclaves of other States, if any lying in between these areas on a particular route, if the aggregate distance covered through such enclaves on a parti- cular route does not exceed 16 kms.	he he
(b) Vehicles permitted to ply as stage carriages and to carry more than 6 persons (excluding the driver) and plying exclusively within the limits of this territory	
For every seated passenger (other than the driver and	

THE GAZETTE OF INDIA EXTRAORDINARY.

(1)

Rs. P.

(2)

ç

- *Explanation.*—"Limits of this territory" includes the distances covered in the enclaves of other States, if any, lying in between different communes of this territory, if such distances covered in the enclaves in the aggregate on a particular route do not exceed 16 kms.
- (c) Vehicles permitted to ply as stage carriages and to carry more than 6 persons (excluding the driver) and plying on routes partly lying in this territory and partly in other States with which the Union territory of Pondicherry has entered, for the time being, into an agreement for the levy of single point tax—
 - For every seated passenger (other than the driver and conductor) which the vehicle is permitted to carry—
 - (i) When the total distance of the route does not exceed 60 kms.
 - (ii) When the total distance of the route exceeds 60 kms.
 - (iii) Express stage carriages.
- Note.—These will also include routes, the termini of which lie within the limits of this territory but the intervening distances of the enclaves of other States in the aggregate exceed 16 kms.
- (d) Vehicles permitted to ply as stage carriages to carry more than 6 persons (other than driver) and belonging to other States and plying in the limits of this territory not in pursuance of an agreement for the levy of single point tax—
 - For every seated passenger (other than a driver and conductor).
- The tax payable in respect of a reserve stage carriage or a spare bus shall be three-fourths of the maximum rates payable per passenger for any of the regular stage carriages of the permit holder.
 - (iii) Vehicles permitted to ply only as a contract carriage (not being stage carriage plying as a contract carriage) and to carry more than five persons (other than the driver)—
 - For every person (other than a driver) which the vehicle is permitted to carry.
- 70.00

100.00

140.00

- 5. Motor vehicles not themselves constructed to carry any load (other than water, fuel, accumulators) and other equipment used for the purpose of propulsion, loose tools and loose equipment, used for haulage only—
 - (a) Weighing not more than 2,500 kgs., unladen.
 - (b) Weighing more than 2,500 kgs, unladen.

6. Fire engines, fire tenders and road water sprinklers-

(a) Not exceeding 1,000 kgs. in weight, laden.
(b) Exceeding 1,000 kgs. but not exceeding 1,500 kgs. in weight, laden.
(c) Exceeding 1,500 kgs. but not exceeding 2,000 kgs. in weight, laden.

Sec. 1]

60.00

105.00

90.00

115.00

O THE GAZETTE OF INDIA EXTRAORDINARY []	J _{ART} İİ—
(I)	(2)
	Rs. P.
(d) Exceeding 2,000 kgs. but not exceeding 3,000 kgs. in weight, laden.	50.00
(e) Exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight, laden.	60.00
(f) Exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight, laden.	75.00
(g) Exceeding 5,500 kgs. but not exceeding 7,500 kgs. in weight, laden.	90.00
(h) Exceeding 7,500 kgs. but not exceeding 9,000 kgs. in weight, laden.	110.00
(i) Exceeding 9,000 kgs. in weight, laden.	120.00
(j) Additional tax payable in respect of such vehicles used for drawing trailers including fire engine trailer pumps—	
(i) For each trailer not exceeding 1,000 kgs. in weight, laden.	15.00
(ii) For each trailer exceeding 1,000 kgs. but not ex- ceeding 1,500 kgs. in weight, laden.	20.00
(iii) For each trailer exceeding 1,500 kgs. but not exceeding 2,000 Kgs. in weight, laden.	25.00
(iv) For each trailer exceeding 2,000 kgs. in weight, laden.	40.00:
Provided that two or more vehicles shall not be charge- able under this clause in respect of the same trailer.	
7. Motor vehicles other than those liable to tax under the fore- going provisions of this Schedule—	
(a) Weighing not more than 700 kgs., unladen.	26.00
(b) Weighing more than 700 kgs. but not more than 1,500 kgs., unladen.	35.00
(c) Weighing more than 1,500 kgs. but not more than 2,000 kgs., unladen.	44.00
(d) Weighing more than 2,000 kgs. but not more than 3,000 kgs., unladen.	53+00
(e) Weighing more than 3,000 kgs, unladen.	65.00
(f) Additional tax payable in respect of such vehicles used for drawing trailers—	
(i) For each trailer not exceeding 1 Tonne in weight, unladen.	12.00
(ii) For each trailer exceeding 1 Tonne in weight, unladen.	.24.00;
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.	

THE GAZETTE OF INDIA EXTRAORDINARY

SCHEDULE II [See section 4(1)(c)]

	Rate of ta	ixes
Class of vehicles	For a period not exceeding seven days	For a period exceeding seven days but not exceeding thirty days
(1)	(2)	(3)
⋓⋺⋇⋇⋭⋵⋓⋽⋬⋬⋺⋣⋠⋐⋈⋑⋵⋇⋳⋑⋠ ⋿ ⋑⋑⋠⋇∊∊⋳⋐⋑⋑⋵⋵⋺⋺∊⋳⋻⋺⋺⋠∊⋺⋺⋺⋰⋺⋺⋻⋻⋻⋺⋼⋺⋺∊⋳⋐⋵⋼⋶⋻⋳⋈⋽⋶⋗⋝⋵⋻⋻⋻⋨⋖⋍⋺⋺⋓⋽⋳⋎⋻⋻⋵∊∊∊⋺⋺⋑⋑	Rs. P.	Rs. P.
1. Motor cycles, whether used for drawing a trailer or side car or not, including motor scooters and cycles with attachment for propelling the same by mechani- cal power.	3	6.00
2. Invalid carriages.	1.25	3.75
3. Goods vehicles:		
(1) Vehicles-		
(a) Vehicles not exceeding 1,000 kgs. in weight laden.	9.00	25.00
(b) Vehicles exceeding 1,000 kgs. but not exceeding 2,000 kgs. in weight, laden.	20.00	60.00
(c) Vehicles exceeding 2,000 kgs. but not exceeding 3,000 kgs. in weight, laden.	30.00	90+00
(d) Vehicles exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight, laden.	40.00	120.00
(e) Vehicles exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight, laden.	55.00	180.00
(f) Vehicles exceeding 5,500 kgs. but not exceeding 7,000 kgs. in weight, laden.	65.00	240.00
(g) Vehicles exceeding 7,000 kgs. but not exceeding 9,000 kgs. in weight, laden.	90.00	280.00
(h) Vehicles exceeding 9,000 kgs. but not exceeding 10,500 kgs. in weight, laden.	110.00	350.00
(i) Vehicles exceeding 10,500 kgs. but not excee ding 12,000 kgs. in weight, laden.	140.00	420.00
(j) Vehicles exceeding 12,000 kgs. but not excee ding 13,000 kgs. in weight, laden.	160.00	450.00
(k) Vehicles exceeding 13,000 kgs. but no exceeding 14,000 kgs. in weight, laden.	t 170.00	500.00
(1) Vehicles exceeding 14,000 kgs. but no exceeding 15,000 kgs. in weight, laden.	t 190+00	550.00
(m) Vehicles exceeding 15,000 kgs.	200.00	600.00

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THE GAZETTE OF INDIA EXTRAORDINARY

[PART II-

	(1)	(2)	(3)
(2)	Trailers used for carrying goods other than trailers falling under items 6 and 7 of Schedule I—	Rs. P.	Rs
	(a) For each trailer not exceeding 1,000 kgs. in weight, laden.	7.00	20.00
	(b) For each trailer exceeding 1,000 kgs. but not exceeding 2,000 kgs. in weight, laden.	15.00	45.00
	(c) For each trailer exceeding 2,000 kgs. but not exceeding 3,000 kgs. in weight, laden.	25.00	65.00
	(d) For each trailer exceeding 3,000 kgs. but not exceeding 4,000 kgs. in weight, laden.	30.00	80.00
	(e) For each trailer exceeding 4,000 kgs. but not exceeding 5,500 kgs. in weight, laden.	40.00	110.00
	(f) For each trailer exceeding 5,500 kgs. but not exceeding 7,000 kgs. in weight, laden.	50.00	170.00
	(g) For each trailer exceeding 7,000 kgs. but not exceeding 9,000 kgs. in weight, laden.	65.00	185.00
	(h) For each trailer exceeding 9,000 kgs. but not exceeding 10,500 kgs. in weight, laden.	80.00	235.00
	(i) For each trailer exceeding 10,500 kgs. but not exceeding 12,000 kgs. in weight, laden.	95.00	285.00
	(j) For each trailer exceeding 12,000 kgs. but not exceeding 13,000 kgs. in weight, laden.	110.00	320.00
	(k) For each trailer exceeding 13,000 kgs. but not exceeding 14,000 kgs. in weight, laden.	120.00	<u>35</u> 0.00
	(1) For each trailer exceeding 14,000 kgs. but not exceeding 15,000 kgs. in weight, laden.	130.00	370.00
	(m) For each trailer exceeding 15,000 kgs. in weight, laden.	140.00	390.00
4.	Motor vehicles plying for hire used for the transport of passengers—		
	(a) Vehicles in respect of which permits have been issued under the Motor Vehicles Act, 1939 to carry not more than three passengers (other than the driver).	6.00	20.00
	 (b) Vehicles in respect of which permits have been issued under the Motor Vehicles Act, 1939, to carry more than three persons (other than the driver) but not more than five persons (other than the driver) for every person (other than the driver) which the vehicle is permitted to CF ry. 	13.50	
	(c) Vehicles permitted to ply as stage carriages and to carry more than six persons (other than the driver) for every person (other than the driver and the conductor) which the vehicle is per- mitted to carry.		

SEC. 1]

THE GAZETTE OF INDIA EXTRAORDINARY

	(1)	(2)	(3)
	(d) Vehicles permitted to ply solely as contract carriages (not being stage carriages plying as contract carriages) and to carry more than five persons (other than the driver) for every person (other than the driver) which the vehicle is per- mitted to carry.	Rs. P.	Rs. P. 30.00
5.	Motor vehicles other than those liable to tax under the foregoing provisions of the Schedule —		
	(a) Weighing not more than 700 kgs., unladen.	3.20	12.00
	(b) Weighing more than 700 kgs. but not more than 2,200 kgs., unladen.	5.50	17.00
	(c) Weighing more than 2,200 kgs., unladen.	7.50	23.00
	(d) Additional tax payable in respect of such vehicles used for drawing trailers —		
	(i) For each trailer not exceeding 1 Tonne in weight, unladen.	2.00	3.00
	(ii) For each trailer exceeding r Tonne in weight, unladen.	4.00	10.00
	Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.'		

4. Notwithstanding anything contained in any judgment, decree or order of any court, all taxes levied or collected or purporting to have been levied or collected in pursuance of notification No. 14, dated 25th June, 1974 of the Government of Pondicherry [Home (Transport) Department] issued under sub-section (1) of section 20 of the Pondicherry Motor Vehicles Taxation Act, 1967, shall, for all purposes, be deemed to be, and to have always been, validly levied or collected and accordingly--

Validation of levy, collection, etc., of taxes on motor vehicles.

(a) all acts, proceedings or things done or taken by the Government or by any officer of Government or by any other authority in connection with the levy or collection of such taxes shall, for all purposes, be deemed to have been, and to have always been, done or taken in accordance with law;

(b) no suit or other proceeding shall be maintained or continued in any court against the Government or any person or authority whatsoever for the refund of any taxes so collected; and

(c) no court shall enforce any decree or order directing the refund of any taxes so collected.

FAKHRUDDIN ALI AHMED,

President.

K. K. SUNDARAM,

Secy. to the Govi. of India.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND FUELISHED BY THE CONTROLLER OF PUBLICATIONS DELHI 1975

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REGISTERED No. D-(D)-72

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असाधारण

EXTRAORDINARY

भाग II--खण्ड 1

PART II-Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 33] No. 33] नई दिल्ली, शनिवार, जून, 28, 1975/ग्र.षोढ़ 7, 1897 NEW DELHI, SATURDAY, JUNE 28, 1975/ASADHA 7, 1897

इस भाग में भिन्न पूछ 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, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 28th June, 1975/Asadha 7, 1897 (Saka)

THE PONDICHERRY MUNICIPALITIES AND VILLAGE AND COMMUNE PANCHAYATS (AMENDMENT). REGULATION, 1975

No. 2 of 1975

Promulgated by the President in the Twenty-sixth Year of the Republic of India.

A Regulation to amend the Pondicherry Municipalities Act, 1973 and the Pondicherry Village and Commune Panchayats Act, 1973.

In exercise of the powers conferred by the second proviso to 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 Pondicherry Municipalities and Short Village and Commune Panchayats (Amendment) Regulation, 1975. title.

2. Section 506 of the Pondicherry Municipalities Act, 1973 (excluding the *Explanation* occurring at the end of that section) shall be re-numbered as sub-section (1) thereof and after the said sub-section and before the said *Explanation*, the following sub-section shall be inserted, namely:---

"(2) Notwithstanding anything contained in sub-section (1), the Government may, from time to time, by notification, extend the term of office of the councillors or members of any existing council for

Amendment of sec_ tion 506

of Pondicherry Act 9 of 1973.

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any period beyond 12 noon of the date appointed by notification under that sub-section but no such extension shall made so as to have effect after the expiry of one year from the date so appointed."

3. Section 333 of the Pondicherry Village and Commune Panchayats Act 1973) (excluding the *Explanation* occurring at the end of that section) shall be re-numbered as sub-section (1) thereof and after the said subsection and before the said *Explanation*, the following sub-section shall be inserted, namely: —

"(2) Notwithstanding anything contained in sub-section (1), the Government may, from time to time, by notification, extend the term of office of the councillors or members of any existing council for any period beyond 12 noon of the date appointed by notification under that sub-section but no such extension shall be made so as to have effect after the expiry of one year from the date so appointed."

FAKHRUDDIN ALI AHMED, President.

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K. K. SUNDARAM, Secy. to the Govt. of India.

Amendment of section 333 of Pondicherry Act 10 of 1973.

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REGISTERED No. D-(D)-72



असाधारण

EXTRAORDINARY

भाग II---खण्ड_1

PART II—Section 1 प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 72] नई दिल्ली, मंगलवार, ग्रक्तूबर 28, 1975/कार्तिक 6, 1897 No. 72] NEW DELHI, TUESDAY, OCTOBER 28, 1975/KARTIKA 6, 1897

इस भाग में भिन्न 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, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi. the 28th October, 1975/Kartika 6, 1897 (Saka)

THE CATTLE TRESPASS (ANDAMAN AND NICOBAR ISLANDS AMENDMENT) REGULATION, 1975

(No. 3 of 1975)

Promulgated by the President in the Twenty-sixth Year of the Republic of India.

A Regulation to amend the Cattle-trespass Act, 1871, in its application to the Union territory of 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 Cattle-trespass (Andaman and Nicobar Islands Amendment) Regulation, 1975.

(2) It extends to the whole of the Union territory of Andaman and

Short title, extent and commencement.

(3) It shall come into force at once.

Nicobar Islands.

(691)

THE GAZETTE OF INDIA EXTRAORDINARY [PART 11-SEC. 1]

Insertion of new

692

2. In the Cattle-trespass Act, 1871, in its application to the Union 1 of 1871. section 18. territory of Andaman and Nicobar Islands, after section 17, the following section shall be inserted, namely:-

Application of fines.

"18. Notwithstanding anything contained in section 12 or section 17, the fines levied in respect of every head of cattle impounded in any pound within the local limits of the jurisdiction of any local authority shall be sent to that local authority and the local authority shall utilise the sums so received for-

(a) paying the remuneration of the pound-keeper; and

(b) meeeting the expenses incurred for any of the purposes connected with the execution of this Act, other than the construction and maintenance of pounds;

and credit the balance, if any, to its fund.".

FAKHRUDDIN ALI AHMED, President.

K. K. SUNDARAM, Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO EGAL NEW DELHI AND FUELISHED BY THE CONTROLLER OF FUELICATIONS, DELHI, 1975

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