- 1. The Andaman and Nicobar Islands (Administration) Amendment Regulation, 1981
- 2. The Dadra and Nagar Haveli (Laws) NO. 2 Regulation, 1981.

## 1982

1. The Andaman and Nicobar Islands (Administration) Amendment Regulation, 1982.

## 1983

1. The Andaman and Nicobar Islands (Municipal Boards) Amendment Regulation, 1983.

## 1984

- 1. The Pondicherry Non-Agricultural Kudiyiruppudars (Stay of Eviction Proceedings) (Amendment) Regulation, 1984.
- 2. The Andaman and Nicobar Islands Regulation, 1984.

## 1985

1. The Industrial Disputes (Andaman and Nicobar Islands Amendment) Regulation, 1985.

)?r

The Laccadive, Minicoy and Amindivi Islands (Civil Courts) Amendment Regulation, 1985

## 1986

1. The Dadra and Nagar Haveli (Civil Courts and Miscellaneous Provisions) Amendment Regulation, 1986.

## 1987

- 1. The Andaman and Nicobar Islands Prevention of Defacement of Property Regulation, 1987.
- 2. The Daman and Diu (Administration) Regulation 1987.
- 3. The Andaman and Nicobar Islands (Amendment) Regulation, 1987,

## 1988

- 1. The Andaman and Nicobar Islands Khadi and Village Industries Board Regulation, 1988.
- 2. The Dadra and Nagar Haveli (Administration) Regulation, 1988.
- 3. The Lakshadweep (Administration) Regulation, 1988.
- 4. The Lakshadweep Island Councils Regulation, 1988.

- 1. The Lakshadweep Island Councils (Amendment) Regulation, 1989.
- 2. The Andaman and Nicobar Islands Religious Buildings and Places Regulation, 1989.

## 1990

- 1. The Dadra and Nagar Haveli Village Panchayats (Amendment) Regulation, 1990.
- 2. The Andaman and Nicobar Islands (Municipal Boards) Amendment Regulation, 1990.
- 3. The Andaman and Nicobar Islands Gram Panchayats (Amendment) Regulation, 1990.
- 4. The Lakshadweep Khadi and Village Industries Board Regulation, 1990

## 1991

1. The Lakshadweep (Administration) Amendment Regulation, 1991.

2. The Pondicherry Non-Agricultural Kudiyiruppudars (Stay of Eviction Proceedings) (Amendment) Regulation, 1991.

## 1993

1. The Lakshadweep (Administration) Amendment Regulation, 1993.

## 1994

- 1. The Andaman and Nicobar Islands (Panchayats) Regulation, 1994.
- 2. The Dadra and Nagar Haveli Village Panchayats (Amendment) Regulation, 1994.
- 3. The Daman and Diu Village Panchayats (Amendment) Regulation, 1994.
- 4. The Lakshadweep Panchayats Regulation, 1994.
- 5. The Andaman and Nicobar Islands (Municipal) Regulation, 1994.
- 6. Tehe Daman and Diu Municipalities (Amendment) Regulation, 1994.
- 7. The Andaman and Nicobar Islands Town and Country Planning Regulation, 1994.

## 1995 -

- 1. The Andaman and Nicobar Islands (Municipal) Amendment Regulation, 1995.
- 2. The Dadra and Nagar Haveli Panchayats (Amendment) Regulation, 1995.

## 1997

1. The Lakshadweep Building Development Board Regulation, 1997.

## 1998

1. The Andaman and Nicobar Islands Co-operative Societies (Amendment) Regulation, 1998.

## 1999

1. The Daman and Diu Town and Country Planning (Amendment) Regulation, 1999.

- 1. The Dadra and Nagar Haveli Sales Tax (Amendment) Regulation, 2000.
- 2. The Daman and Diu Sales Tax (Amendment) Regulation, 2000.
- 3. The Lakshadweep Marine Fishing Regulation, 2000.

रजिस्ट्री सं० डी-(डी)-72

REGISTERED No. D-(D)-72



ग्रसाधारण EXTRAORDINARY

> भाग II---खण्ड 1 PART II---Section 1

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं० 1] नई दिल्ली, शनिवार, जनवरी 3, 1976/पौथ 13, 1897 No. 1] NEW DELHI, SATU RDAY, JANUARY 3, 1976/PAUSA 13, 1897

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, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 3rd January, 1976/Pausa 13, 1897 (Saka)

THE UNION TERRITORIES RELIEF OF AGRICULTURAL INDEBTEDNESS REGULATION, 1976

#### No. 1 of 1976

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

A Regulation to provide relief from indebtedness to agricultural labourers, marginal farmers, rural artisans and small farmers in certain Union territories.

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 Union Territories Relief of Agricultural Indebtedness Regulation, 1976.

(2) It extends to the Union territories of the Andaman and Nicobar Islands, Dadra and Nagar Haveli, Lakshadweep and Pondicherry.

(3) It shall come into force at once.

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

(a) "Administrator" means the administrator of a Union territory appointed by the President under article 239 of the Constitution;

(b) "agricultural labourer" means a person who is engaged in the operation of—

(1)

(i) farming, including cultivation and tillage of soil; or

(ii) dairy farming; or

commencement.

Short title,

extent

and

Definitions.

[PART II---

(*iii*) production, cultivation, growing and harvesting of any horticultural commodity; or

(iv) raising of live-stock, bees or poultry; or

(v) any practice performed on a farm as incidental to, or in conjunction with, farm operations (including any forestry or timbering operations) and preparation for market, or delivery to storage or to market, or to carriage for transportation, of farm products,

in the capacity of a labourer on hire or exchange and who is paid in cash or in kind or partly in cash and partly in kind for such engagement;

(c) "bank" means a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949, and includes 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, a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Agricultural Refinance Corporation established under the Agricultural Refinance Corporation Act, 1963, any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949, and any other banking or financial institution which the Administrator may, by notification in the Official Gazette, declare to be a bank for the purposes of this Regulation;

(d) "civil court" includes—

(i) any court exercising jurisdiction under the Provincial Insolvency Act, 1920; and

5 of 1920.

9 of 1887.

(ii) any court exercising powers under the Provincial Small Cause Courts Act, 1887;

(e) "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 a Union territory;

(f) "debt" includes all liabilities owing to a creditor in cash or in kind, secured or unsecured, payable under a decree or order of a civil court or otherwise and subsisting at the commencement of this Regulation whether due or not due but does not include—

(i) a debt to the Central Government or any State Government, or the administration or Government of any Union territory or any local authority, or co-operative society or bank;

(ii) a debt to any Government company within the meaning of section 617 of the Companies Act, 1956;

(*iii*) a debt to the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956, or to any other corporation established by or under any law for the time being in force;

1 of 1956.

3 of 1956.

23 of 1955... 38 of 1959... 5 of 1970. 10 of 1963...

10 of 1949?....

SEC. 1]

(*iv*) any rent due in respect of any property let out to a debtor;

(v) any liability arising out of breach of trust or any tortious liability;

(vi) any liability in respect of wages or remuneration due as salary or otherwise for services rendered;

(vii) any liability in respect of maintenance whether under a decree of a civil court or otherwise;

(viii) any debt which represents the price of any goods or property purchased by a debtor;

(ix) any advance of money given to a debtor by a person as the price of goods or property to be sold later on by the debtor;

(x) any sum recoverable as arrears of land revenue;

(g) "debtor" means an agricultural labourer, a marginal farmer, a rural artisan or a small farmer;

(h) "marginal farmer" means a person who owns agricultural land measuring not more than one hectare and who cultivates personally such land, and includes a person who cultivates such land measuring not more than one hectare as a tenant or share cropper:

Provided that in its application to persons belonging to any Scheduled Tribe, this clause shall be subject to the modification that for the words 'one hectare', in both the places where they occur, the words 'two hectares' shall be substituted;

(i) "rural artisan" means a person who does not hold any agricultural land and whose principal means of livelihood is production or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto and includes a person who normally earns his livelihood by practising a craft either by his own labour or by the labour of all or any of the members of his family in a rural area;

(j) "small farmer" means a person who owns agricultural land measuring more than one hectare but less than two hectares, or who cultivates such land measuring more than one hectare but less than two hectares as a tenant or share cropper:

Provided that in its application to persons belonging to any Scheduled Tribe, this clause shall be subject to the modification that for the words 'one hectare' and 'two hectares', in both the places where they occur, the words 'two hectares' and 'four hectares' shall respectively be substituted;

(k) "suit" includes appeal.

3. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary,—

Stay of suits, etc.

3

(i) no civil court shall entertain any suit, application or other proceeding against a debtor in respect of any debt incurred by him;

of 1949?.... of 1955.-

of 1959.

of 1970.

5 of 1920.

9 of 1887.

1 of 1956...

3 of 1956.

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

(ii) any suit, application or other proceeding in relation to the recovery of a debt from a debtor pending immediately before the commencement of this Regulation before a civil court shall be stayed; and

(*iii*) no decree of a civil court in relation to the recovery of **a** debt from a debtor which was passed before the commencement of this Regulation shall be executed,

for a period of one year from such commencement.

(2) The Administrator may, by notification in the Official Gazette, extend the period referred to in sub-section (1) by a further period or periods:

Provided that such further period or the aggregate of such further periods shall not exceed one year.

Extension of period of limi-tation.

4. Notwithstanding anything contained in any other law for the time being in force, in computing the period of limitation for any suit, proceeding or application, or for the execution of a decree, the period during which any person was debarred, from instituting such suit or proceeding or making such application or executing such decree, under this Regulation shall be excluded.

Remis\_ sion of interest. 5. A debtor shall not be liable to pay interest on any debt during the period for which no suit or proceeding could be instituted or application made for the recovery of the debt or for the execution of a decree . in relation thereto or for which a suit, or an application or other proceeding for the recovery of the debt was stayed under this Regulation.

#### FAKHRUDDIN ALI AHMED,

President.

K. K. SUNDARAM, Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976 रजिस्ट्री सं० डी-(डी)-72

**REGISTERED No. D-(D)-72** 



असाधारण

EXTRAORDINARY

भाग II---- खण्ड 1

PART II-Section 1

प्राधिकार से प्रकाशित

#### PUBLISHED BY AUTHORITY

मं⇒ 3] No.3]

.....

सई दिल्तो, सतिवल, जवतरी 24, 1976/माम 4, 1897

NEW DELHI, SATURDAY, JANUARY 24, 1976/MAGHA 4, 1897

इस भाग यें भिन्न पृथ्ठ संख्या दो जाती है जिससे कि यह ग्रालग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed

as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 24th January 1976/ Magha 4, 1897 (Saka) THE PONDICHERRY VACANT LANDS IN URBAN AREAS (PROHIBITION OF ALIENATION) REGULATION, 1976

No. 2 of 1976

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

A Regulation to prohibit alienation of certain vacant lands in certain areas in the Union territory of Pondicherry.

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 Vacant Lands in Urban Areas (Prohibition of Alienation) Regulation, 1976.

(2) It extends to the whole of the Union territory of Pondicherry.

(3) It shall come into force at once.

(4) It shall remain in force for a period of one year and upon its expiry, the provisions of section 6 of the General Clauses Act, 1897 as made applicable under section 2 of the Pondicherry General Clauses Act, 1965, shall apply as if this Act had then been repealed by a Pondicherry Act.

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

(a) "appointed day" means the date of commencement of this Regulation;

Short title, extent, commencement, and duration,

Definitions

Pondicherry Act 13 of 1965.

10 of 1897.

ି

DAD, 1, 1976

r

r

ie it,

эd

or

 $\mathbf{er}$ 

ng

**-i**ار

ree

ro-

on.

lent.

M, ndi**a.** 

(7)

[PART II----

(b) "Collector" means the Secretary to Government, Revenue Department, Pondicherry and includes the Sub-Collector (Revenue), Assistant Collector (Revenue) and Deputy Collector (Revenue) having jurisdiction in any of the regions of Pondicherry, Karaikal, Mahe and Yanam in the Union territory of Pondicherry;

(c) "compact block" means any block of vacant land in an urban area, exceeding five hundred square metres in extent;

(d) "Government" means the Administrator of the Union territory of Pondicherry appointed by the President under article 239 of the Constitution;

(e) "person" includes an individual, an undivided Hindu family, a trustee, a company, a society or an association of individuals, whether incorporated or not;

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

(g) "trust" includes a trust created for public purposes of a charitable or religious nature;

(h) "urban area" means---

(1) any area which is comprised in any planning area declared as such by the Government under section 8 of the Pondicherry Town and Country Planning Act, 1969;

(2) any other area which the Government may, by notification in the Official Gazette, declare to be an urban area, having regard to any project existing in that area on the appointed day or having regard to the possibility in the near future of any project being established in that area, where any such project, in the opinion of the Government, has led to, or is likely to lead to, urbanisation of that area;

(i) "vacant land" means land in an urban area, agricultural or non-agricultural, other than land on which any building has been or is being constructed in accordance with any law regulating such construction and the land appurtenant to such building, to the minimum extent required under such law or under the provisions of the Pondicherry Town and Country Planning Act, 1969, or any other corresponding law for the time being in force.

*Explanation*.—For the purposes of this clause, any land which is vacant on the appointed day shall be deemed to be vacant land, not-withstanding that the construction of any building thereon has been commenced on or after the said day.

Prohibition of alienation etc. 3. (1) No person who owns any vacant land shall, on or after the appointed day, alienate such land by way of sale, gift, exchange, usufructuary mortgage, lease or otherwise, or effect a partition or create a trust of such land; and any alienation made, or partition effected, or trust created in contravention of this section shall be null and void:

Provided that nothing in this sub-section shall apply to the alienation by any person of any one plot of vacant land owned by him not exceeding five hundred square metres in extent and not forming part Pondi cherry Act 13 of 1

Pondi cherry Act 13 1970.

of a compact block or to the effecting of a partition or creation of a trust of any such plot.

(2) The provisions of sub-section (1) shall apply to any sale, partition or creation of trust, of vacant land of any person in execution of a decree or order of a civil court or any award or order of any other competent authority.

4. Nothwithstanding anything contained in the Registration Act, 1908—

(a) no document relating to alienation of a vacant land or to partition or creation of a trust of such land shall be registered on or after the appointed day by any registering officer appointed under the said Act unless the person presenting the document furnishes a declaration by the transferor in the prescribed form, which shall be subject to verification in the prescribed manner—

(i) that the plot of vacant land owned by him and intended to be alienated or partitioned, or, as the case may be, in respect of which a trust is intended to be created does not exceed five hundred square metres in extent;

(ii) that such vacant land does not form part of a compact block; and

(*iii*) that no other plot of vacant land or no plot of vacant land, other than a plot of vacant land to which the provisions of this Regulation do not apply under section 3, section 5 or section 6, owned by him has been alienated or partitioned on or after the appointed day, or, that no trust has been created in respect of such plot on or after the appointed day;

(b) a document relating to alienation or partition of any vacant land or the creation of any trust for any vacant land registered on or after the appointed day, shall, for the purposes of section 3, take effect and operate only from the date of such registration.

5. (1) Nothing in this Regulation shall apply to any transfer of vacant Regulaland by or in favour of—

tion not to or a apply in rity; certain cases.

(a) the Government of the Union territory of Pondicherry, or a State Government or the Central Government or a local authority;

(b) a Government Company as defined in section 617 of the Compaines Act, 1956;

(c) a corporation established by or under a Central, Provincial or State Act, which is controlled or managed by the Government of the Union territory of Pondicherry or a State Government or the Central Government;

(d) such co-operative house building societies established for the purpose of providing housing accommodation to weaker sections of the people, as may be approved by the Government in this behalf:

Provided that in giving such approval, the Government shall have regard to the income of the members of such societies or their social backwardness or such other considerations:

SEC. 1]

6 of 1908

е

),

10

in

·i-

 $\mathbf{n}\mathbf{f}$ 

y,

IS.

nis

а

ec-

di-

ca-

ing

lay

ıny

ect, ead

or

or ns-

um

ıdi-

res-

h is

lot-⊧een

the

rucrust

rust

tion

him

part

Pondi-

cherry

13 of 19

Pondi-

cherry

Act 13

of 1956.

1970.

Act

Restrictions on registration of documents.

[PART 11-

10 of 19

23 of 1

38 of 1

5 of 19

Provided further that, in giving such approval, the Government may impose such conditions as to the alteration in the constitution of the society or in the number of its members, the nature of construction of houses by the society, the area of the land to be obtained and used by the society or its members and such other matters as it may think fit to impose:

Provided also that if at any time the Government is satisfied that the approval accorded to any society has not served the purpose for which it was accorded, it may withdraw such approval, after giving an opportunity to the society, for making a representation against the proposed withdrawal;

(e) a bank.

(2) Notwithstanding anything contained in sub-section (2) of section 3, nothing in this Regulation shall apply to the disposition by sale or other transfer of vacant land directed to be made in execution of a decree or an order of a civil court relating to the recovery of any amount due to the Government or any local authority or bank or in enforcement of any order made or any process employed by any officer or authority under any law for the time being in force for the recovery of such amount.

Explanation.-In this section, a "bank" means-

(i) a banking company as defined in section 5 of the Banking Regulation Act, 1949;

(ii) the State Bank of India constituted under the State Bank of India Act, 1955;

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;

(*iv*) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970; and

(v) any other financial institution notified by the Government as a bank for the purpose of this Regulation.

Power to exempt,

6. (1) The Government may, by general or special order in writing and for reasons to be recorded therein, exempt any area from the provisions of this Regulation.

(2) The Government may, if it considers it necessary so to do for avoiding any hardship, exempt, by order in writing, any alienation or other transfer of any vacant land from the provisions of this Regulation.

(3) Subject to any rules that may be made in this behalf or to any general or special orders of the Government, the Collector may, by order in writing, exempt any alienation or other transfer of any vacant land from a provisions of this Regulation in case the land is being or is to be used for educational, scientific, industrial or commercial purpose or for such other purpose as may be prescribed.

(4) Every order issued by the Government under sub-section (1) or sub-section (2) and by the Collector under sub-section (3) shall be laid before the Legislative Assembly as soon as possible after it is issued.

7. (1) Where, on or after the 1st day of July, 1975 but before the appointed day, any person has alienated, whether by way of sale, gift, exchange, usufructuary mortgage, lease or otherwise, any vacant land owned by him or has effected a partition or created a trust of any such land, then notwithstanding anything contained in any law for the time being in force, such alienation, partition, or, as the case may be, trust shall, unless it is proved to the contrary, be deemed to have been made, effected, or, as the case may be, created in anticipation in order to defeat the object of this Regulation or any law that may be enacted in future for imposing restrictions on holding property in excess of certain limits in urban areas (hereinafter referred to as the ceiling law), if such alienation, partition, or, as the case may be, trust would have been null and void under the provisions of this Regulation had it been made, effected, or, as the case may be, created on or after the appointed day.

(2) Any person affected by the provisions of sub-section (1) may, within such period, in such form, and on payment of such fees, as may be prescribed, make an application to the Collector for a declaration that the alienation, partition, or,  $a_s$  the case may be, trust was not made, effected, or, as the case may be, created in anticipation to defeat the object of this Regulation or of the ceiling law.

(3) On receipt of such application, the Collector shall hold an inquiry and after giving an opportunity to the alienator and the alienee, to the parties to the partition, or, as the case may be, to the creator of the trust and the persons interested in the trust, to be heard, by serving on them a notice in such manner as may be prescribed, and after considering the evidence which may be produced by them, decide whether the alienation, partition, or, as the case may be, trust was or was not made, effected or, as the case may be, created in order to defeat the object of this Regulation or of the ceiling law, and accordingly may,—

(i) reject the application, or

(ii) by order in writing make a declaration that the alienation, partition, or trust was not made, effected, or, as the case may be, created in anticipation to defeat the object of this Regulation or of the ceiling law.

(4) Where no such application has been made within the prescribed period, or where any such application is rejected, the vacant land in respect of which such alienation, partition, or trust was made, effected, or, as the case may be, created shall, for the purposes of the ceiling law, be deemed to belong to the owner thereof to whom it belonged immediately before such alienation, partition, or trust was made, effected, or, as the case may be, created, as if no such alienation, partition or trust was made, effected, or, as the case may be, created, unless the ceiling law provides otherwise.

8. The Government or the Collector may, by general or special order, call upon any person to furnish to it or him such information as would in its or his opinion be useful for, or relevant to, any of the purposes of this Regulation and as may be stated in such order and it shall be the duty of such person to furnish true and correct particulars relating to the information called for.

Supply of information.

Alienations, etc., made on or after 1st July, 1975 but before the appointed day.

SEC. 1]

t

ıf

<u>-</u>

d

λS

at

or

1g

he

ion or

de-

int

ent

rity

int.

cing

k of

ndia

iking

. and nt as

riting

; pro-

lo for

ion or

lation.

) any

order

t land r is to

iose or

on (1)

all be

issued.

10 of 1

23 of 1

38 of 1

5 of 1

#### THE GAZETTE OF INDIA EXTRAORDINARY [PART II-

Appeal against order of Collector.

Bar of jurisdic-

tion

9. (1) Any person aggrieved by an order of the Collector under subsection (3) of section 6 or sub-section (3) of section 7 may, within such period, in such form, and on payment of such fees, as may be prescribed, prefer an appeal to the Government.

(2) On receipt of an appeal under sub-section (1), the Government shall, after giving notice to the parties concerned for making representation in the matter, decide the appeal.

10. No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Regulation required to be settled, decided or dealt with by the Collector or the Government.

Penaliy for contravention, etc. 11. (1) If any person contravenes any of the provisions of this Regulation or the rules made thereunder or makes a declaration or furnishes information which he knows or has reason to believe to be false, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

(2) No court shall take cognizance of an offence punishable under this Regulation except with the previous sanction of the Collector.

Power to make rules. 12. (1) The Government 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) 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 a declaration under clause (a) of sub-section (1) of section 4 shall be furnished and the manner in which such declaration shall be verified;

(c) the period within which, and the form in which, an application under sub-section (2) of section 7 or an appeal under sub-section (1) of section 9 shall be made or, as the case may be, preferred and the fees payable on such application or appeal;

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

(3) Every rule made under this Regulation shall, as soon as possible after it is made, be laid before the Legislative Assembly, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### THE GAZETTE OF INDIA EXTRAORDINARY SEC. 1] ~~~~~

------

e n r,

to

13. The provisions of this Regulation shall have effect, notwithstanding anything inconsistent therewith in any other law for the time being in force, or any agreement, or any decree or order of a court, tribunal or other authority or any custom or usage to the contrary.

\_\_\_\_\_

Regulation to override other laws.

13

## FAKHRUDDIN ALI AHMED, President.

K. K. SUNDARAM, Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS. MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, 7ELHI, 1976

REGISTERED No. D-(D)-72



#### असाधारण

#### EXTRAORDINARY

भाग 🎞---खण्ड 1

PART II-Section 1

प्राधिकार से प्रकाशित

## PUBLISHED BY AUTHORITY

सं० 4] No. 4]

22 of 1955.

## नई दिल्ली, शनिवार, जनवरी 24, 1976/मॉध 4, 1897 NEW DELHI, SATURDAY, JANUARY 24, 1976/MAGHA 4, 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 24th January, 1976/Magha 4, 1897 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL BOARDS) AMENDMENT REGULATION, 1976

No. 3 of 1976

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

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

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

1. (1) This Regulation may be called the Andaman and Nicobar Islands (Municipal Boards) Amendment Regulation, 1976.

(2) It shall come into force at once.

2. In section 30 of the Andaman and Nicobar Islands (Municipal 1 of 1957. Boards) Regulation, 1957,—

(i) in sub-section (1), for clause (c), the following clause shall be substituted, namely:—

"(c) if he has been convicted by a criminal court of-

(i) an offence punishable under the Untouchability (Offences) Act, 1955, unless a period of six years has elapsed from the date of such conviction;

Short title and commencement.

Amendment of section 30.

#### THE GAZETTE OF INDIA EXTRAORDINARY [Part II-Sec. 1]

(*ii*) any other offence and sentenced to imprisonment for a term exceeding six months, unless a period of one year has elapsed since the expiry of the sentence;";

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1-A) Notwithstanding anything contained in sub-clause (i) of clause (c) of sub-section (1), a disqualification under that sub-clause shall not, in the case of a person who on the date of the conviction is a member, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction, until that appeal or application is disposed of by the court.".

### FAKHRUDDIN ALI AHMED, President.

K. K. SUNDARAM, Secy. to the Govt. of India.

16

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976 रजिस्दी सं० डी-(डी)-72

REGISTERED No. D-(D)-72



EXTRAORDINARY

भाग II--खण्ड 1

PART II-Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

नई दिल्लो, ज्ञतिवार, जनवरा 2,4, 1976/माघ 4, 1897

सं० 5] No. 5]

NEW DELHI, SATURDAY, JANUARY 24, 1976/MAGHA 4, 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 24th January, 1976/Magha 4, 1897 (Saka)

THE PONDICHERRY IRRIGATION (LEVY OF BETTER-MENT CONTRIBUTION) REGULATION, 1976

No. 4 of 1976

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

A Regulation to provide for the levy of betterment contribution on certain lands in the Union territory of Pondicherry.

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 Irrigation (Levy of Betterment Contribution) Regulation, 1976.

(2) It extends to the whole of the Union territory of Pondicherry.

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

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

(1) "contribution" means the betterment contribution referred to in section 5 or section 6;

(2) "drainage work" includes----

(a) channels, whether natural or artificial, for the discharge of waste or surplus water and all works connected with, or auxiliary to, such channels;

(b) escape channels from an irrigation work;

(17)

Short title, extent and commencement.

Definitions.

#### (c) dams, weirs, embankments, sluices and groynes;

(d) all works for the protection of lands from floods or from erosion, which are owned or controlled by the Government, or which are maintained by it, otherwise than by an assignment of land or land revenue made, confirmed, or recognised by the Government, or which, having been constructed by the Government or being maintained by an assignment of land or land revenue as aforesaid, have not been made over to any person,

but does not include any works for the removal of sewage;

(3) "execution", in relation to a notified work, means the construction, expansion, or alteration of the notified work;

(4) "fasli year" means the year commencing on the 1st day of July of a year and ending with the 30th day of June of the next year;

(5) "Government" means the Administrator of the Union territory of Pondicherry appointed by the President under article 239 of the Constitution.

(6) "improved old ayacut", in relation to a notified work, means all lands which are significantly benefited by the execution of the notified work but does not include the ayacut of any existing irrigation or drainage work which has been merely repaired or restored to its original state after decay or injury.

*Explanation I.*—For the purposes of this clause, lands shall be deemed to be significantly benefited by the execution of a notified work if such lands—

(a) having been under single-crop irrigation or double-crop irrigation from a Government source of irrigation before the execution of the notified work, continue to be under such irrigation and are provided with a more adequate supply or better assured supply of water for irrigation as a result of the execution of the notified work, or

(b) having been liable to non-beneficial submersion or stagnation of water before the execution of the notified work, have been substantially relieved of such submersion or stagnation as a result of the execution of the notified work:

Provided that no land shall be deemed to be significantly benefited if the more adequate supply or better assured supply of water for irrigation referred to in clause (a) of this *Explanation* or the substantial relief of submersion or stagnation referred to in clause (b) of this *Explanation* is as a result of mere repairs or restoration of the existing irrigation work or drainage work to its original state after decay or injury.

Explanation II.—For the purposes of Explanation I, the question whether any land—

(a) is provided with a more adequate supply or better assured supply of water for irrigation shall be decided with regard to—

(i) the raising of the irrigation source concerned to a higher settlement classification;

(ii) supply of larger volume of water or supply of water for a longer duration; and

10

(iii) such other like matters as may be prescribed;

(b) has been substantially relieved of the non-beneficial submersion or stagnation of water shall be decided with regard to-

(i) the improvement of the land on account of the protection from submersion or stagnation or on account of the reduction in the period of submersion or stagnation; and

(ii) such other like matters as may be prescribed.

*Explanation III.*—A land shall be deemed to be significantly benefited notwithstanding that the benefit is not enjoyed, provided that such non-enjoyment is due solely to action or inaction on the part of the person or persons interested in such land;

(7) "irrigation work" includes-

(a) all canals, channels, tanks, wells, reservoirs, ponds, spring ponds and madugues used for the supply or storage of water, and all works, embankments and structures (other than escape channels) connected therewith or auxiliary thereto, which are owned or controlled by the Government, or which are maintained by it, otherwise than by an assignment of land or land revenue made, confirmed or recognised by the Government, or which, having been constructed by the Government or being maintained by an assignment of land or land resaid, have not been made over to any person;

(b) all such lakes and other natural collections of water or parts thereof, as are situated on lands which are the property of Government;

(c) all rivers and natural streams or parts thereof;

(8) "land-holder", in relation to any land, means the person who is in enjoyment of the said land and who has been benefited by any irrigation work;

(9) "new ayacut", in relation to any notified work, means all lands which are benefited by the execution of the notified work.

*Explanation I.*—For the purposes of this clause, lands shall be deemed to be benefited by the execution of a notified work, if such lands—

(a) having been left waste or under unirrigated cultivation before the execution of the notified work, have been brought under irrigation subsequently with water supplied from a Government source of irrigation as a result of the execution of the notified work, or

(b) having been under single-crop irrigation before the execution of the notified work, have been brought under doublecrop irrigation subsequently with water supplied from a Government source of irrigation as a result of the execution of the notified work.

SEC. 1]

8 8

1....

d

)<del>0</del>

3d

op

te-

on

ed

;he

or ırk,

na-

ine-

ater

the iuse

tion

;tate

stion

re-

r as-

to a

[PART II---

*Explanation II.*—A land shall be deemed to be benefited notwithstanding that the benefit is not enjoyed, provided that such nonenjoyment is due solely to action or inaction on the part of the person or persons interested in such land;

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

(11) "notified work" means any irrigation work or drainage work, executed on or after the 1st November, 1954 and notified by the Collector in the Official Gazette;

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

3. (1) Any new ayacut in every notified work may be classified into one or more of the following zones, namely:—

(i) wet zone;

(ii) intermediary zone; or

(iii) irrigated dry zone.

(2) A wet zone shall comprise all the lands for which the water supplied as a result of the execution of a notified work will be ordinarily sufficient for one wet crop in a fasli year.

(3) An intermediary zone shall comprise all the lands for which the water supplied as a result of the execution of a notified work will be occasionally sufficient for one wet crop and will be ordinarily sufficient for one irrigated dry crop in a fasli year.

(4) An irrigated dry zone shall comprise all the lands for which the water supplied as a result of the execution of a notified work will be ordinarily sufficient for one irrigated dry crop in a fasli year but not sufficient for one wet crop in any fasli year.

4. (1) Every wet zone, every intermediary zone or every irrigated dry zone may consist of Block A, Block B, Block C, as classified below, namely:—

(a) Block A shall consist of contiguous wet lands of class 1, class2, class 3, or class 4;

(b) Block B shall consist of contiguous wet lands of class 5;

(c) Block C shall consist of contiguous wet lands of class 6;

(2) Dry lands shall be classified according to the corresponding class rates.

*Explanation*.—In this section, classes 1, 2, 3, 4, 5 and 6 shall refer to the respective classes under which the lands have been registered in the revenue records.

Levy of betterment contribution on the lands in the new ayacut

5. There shall be levied a betterment contribution on every hectare of land in any new ayacut in accordance with the rates specified in the Schedule:

Provided that no betterment contribution shall be levied on any land in any new ayacut under a notified work, the cost of which does not exceed seventy-five thousand rupees.

Blocks under

ayacut

Zone.

New ayacut

Zones,

6. (1) There shall be levied a betterment contribution on every hectare of land in any improved old ayacut in accordance with the provisions of this section:

Provided that no betterment contribution shall be levied on any land in any improved old ayacut under a notified work, the cost of which does not exceed seventy-five thousand rupees.

(2) The net expenditure on the notified work shall be ascertained by deducting from the gross expenditure on such work twenty times the annual increase in revenue, if any, from all the lands comprised in the improved old ayacut and in the new ayacut and the net expenditure as so ascertained shall be apportioned in the prescribed manner on all lands comprised in the improved old ayacut.

*Explanation.*—The expression "annual increase in revenue" means the increase in assessment and the increase in water-cess ascertained in the prescribed manner where such increase is as a result of the execution of the notified work.

(3) The betterment contribution shall, subject to a maximum of one hundred and twenty-five rupees per hectare, be one-third of the net expenditure per hectare of land apportioned under sub-section (2).

7. (1) Any officer of the Revenue Department not below the rank of a Revenue Officer specially authorised by the Government in this behalf (hereinafter referred to as the authorised officer) may, from time to time, postpone the inclusion of any land in the ayacut of a notified work for such period as he may, by order in writing, specify on the ground that such land requires expensive lowering of the level or on such other ground as may be prescribed.

*Explanation.*—For the purposes of this sub-section, "expensive lowering of the level" means any reclamation involving expenditure exceeding two hundred and fifty rupees per hectare.

(2) Where the period specified in any order under sub-section (1) expires, the land referred to in that sub-section shall be deemed to be included in the ayacut aforesaid and the Government shall be entitled to levy contribution under this Regulation on such land with effect from the fasli year in which such land shall be deemed to be included in the ayacut under this sub-section.

(3) Where any land included in the ayacut of a notified work is not fit for the irrigation on the date of such inclusion for such reasons as may be prescribed and is subsequently brought under irrigation, the Government shall be entitled to levy contribution under this Regulation on such land with effect from the fasli year in which the land is so brought under irrigation.

8. Every authorised officer shall, after following such procedure as may be prescribed, by order, levy the contribution under this Regulation in respect of any land situated within his jurisdiction:

Authorised officer to levy contribution.

Provided that where the ayacut of a notified work lies within the Jurisdiction of more than one authorised officer, the Government may,

Exclusion of certain lands from ayacut in certain cases.

21

Levy of

contri-

in the

betterment

bution on lands

improved old ayacut.

SEC. 1]

[PART .---

by general or special order, specify the officer who should levy the contribution in respect of lands in such ayacut.

9. (1) Any person aggrieved by an order of the authorised officer with respect to the levy of contribution under this Regulation may prefer an appeal to the prescribed authority in such form, in such manner and within such time, as may be prescribed and such authority may make such order in the case as it may think fit:

Provided that before making any order under this section the prescribed authority shall give a reasonable opportunity to the affected person for making a representation in the matter.

(2) Any order made by the authorised officer with respect to the levy of contribution under this Regulation shall, subject to the right of appeal provided in sub-section (1), be final, shall be binding on all persons having interest in the land and shall not be liable to be questioned in a court of law.

10. (1) The contribution payable by a land-holder shall be paid by him in annual instalments.

(2) The annual instalments per hectare shall be twelve rupees and fifty paise or one-twentieth of the total amount of the contribution payable by him, whichever is higher:

Provided that a land-holder shall be entitled to pay within a period of two years from the date on which he becomes liable to pay the contribution the entire amount of contribution with a rebate at such rate as may be prescribed.

(3) Arrears of instalments of the contribution shall bear interest at the rate of six per cent per annum and such interest shall be recoverable as arrears of land revenue.

11. (1) The contribution shall become payable under this Regulation on a written notice of demand therefor issued by the authorised officer being served on the land-holder:

Provided that no such notice shall be served until the expiry of two years after the date of completion of the execution of the notified work:

Provided further that where, before the commencement of this Regulation, two years or more have elapsed from the date of completion of the execution of the notified work, such notice may be served at any time after such commencement.

(2) For the avoidance of doubt, it is hereby declared that it shall not be necessary to serve notice on any person other than the landholder, who has an interest in the land or on a successor-in-interest of the land-holder or in respect of any instalment of the contribution.

(3) (a) For the purpose of this section, the execution of a notified work shall be deemed to be completed on the date of cessation of all work connected with its execution or on the date when the notified work is ready to be put in actual operation whichever is later.

bution how paid.

Contri-

When contribution becomes payable.

Appeal.

(b) The date referred to in clause (a) shall be notified by such authority or officer and in such manner, as may be prescribed.

12. Notwithstanding anything contained in section 10, the Government may allow the owner of the land on which the contribution may be payable to relinquish the whole or any part of the land or to deliver it in exchange in favour of the Government on such condition as may be prescribed:

Provided that no such relinquishment or exchange shall be permitted unless the land is free from encumbrances.

13. If the Government accepts any money from any person for the execution of any notified work and such person becomes liable to pay contribution in respect of any land benefited by such execution, the sum accepted from him shall be credited towards the contribution payable by him.

14. Any person having interest in a land may, notwithstanding that he is not the land-holder of such land, pay the contribution payable by the land-holder in respect of such land and shall, if such person pays the entire contribution within a period of two years from the date on which the land-holder becomes liable to pay the contribution, be entitled to a rebate at such rate as may be prescribed.

15. Where the land-holder liable to pay contribution under this Regulation is not the owner of the land or is a co-owner of the land, nothing in this Regulation shall be deemed to affect his right to reimbursement from the owner or to recover proportionate part from the co-owner, as the case may be.

16. Where a land-holder whose case is not covered by section 15 and who has paid an instalment of contribution under this Regulation is not the occupier of the land, he shall, in the absence of a contract to the contrary, be entitled to recover the amount of such instalment from the person who is in actual occupation of the land during the year in which the said instalment is payable:

Provided that where such person is a tenant, the land-holder shall be entitled to recover from the tenant the instalment of contribution referred to in this section only if the tenant is liable under any law or custom of the locality to deliver to the land-holder a share of the produce and such share has not been altered subsequent to the completion of the work by agreement between the parties, and the amount that can be recovered from such a tenant shall bear to the total amount of the instalment the same proportion as the tenant's share of the produce bears to the total produce of the land:

Provided further that, where the land-holder has paid the entire contribution with a rebate under the proviso to sub-section (2) of section 10, a twentieth part of the sum actually paid shall be deemed to be the instalment of the contribution payable during every year during which an instalment of the contribution would have been payable, had the entire contribution not been so paid.

sec. 1]

f

d

11 •d Relinquishment or exchange of land in lieu of payment of contribution.

Rebate in certain cases.

Payment of contribution by person having interest in land.

Right of reimbursement in respect of contribution,

Apportionment of contribution

Contribution recoverable as arrears of land revenue. 2́4

17. (1) The contribution payable under this Regulation in respect of any land shall be deemed to be public revenue due upon the said land; and the land and its products and the buildings (owned and occupied by the land-holder) standing upon the land shall be regarded as the security of the contribution.

(2) When the whole or portion of an instalment of the contribution payable in any year is not paid on the due date, the amount of the instalment or its unpaid portion shall be deemed to be an arrear of land revenue and the provisions of the law, for the time being in force, relating to recovery of land revenue shall apply to the recovery of the said arrear as they apply to the recovery of the land revenue due on the land.

Exemption. 18. If, in the opinion of the Government, the enforcement of all or any of the provisions of this Regulation will cause hardship to any person or class of persons, the Government may, by notification, setting out the ground therefor, exempt either permanently or for a specified period, such person or class of persons from all or any of the provisions of this Regulation, subject to such conditions, if any, as the Government may deem fit to impose.

Delegation of powers.

Regulation deemed not to affect recovery in certain cases.

Power **to** make rules. exercisable by it under this Regulation (except the power to grant exemption under section 18 and the power to make rules under section 21) shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by the Collector or such other authority, as may be specified in the direction.

19. The Government may, by notification, direct that any power

20. Subject to the provisions of section 13, nothing contained in this Regulation shall be deemed to limit or otherwise affect the power of the Government to recover any money which any land-holder of any land included in the ayacut of any notified work may have agreed before the date of the commencement of this Regulation, or may agree after that date, to pay to the Government as a condition precedent to the execution of any such work.

21. (1) The Government may, by notification, make rules to carry out the purposes of this Regulation and in particular—

(a) for the matters to be prescribed under Explanation II to clause (6) of section 2;

(b) for the manner of classification of dry lands under subsection (2) of section 4;

(c) for the manner of apportioning the net expenditure, and of ascertaining the increase in assessment and the increase in watercess, under sub-section (2) of section 6;

(d) for the procedure to be followed by the authorised officer before the levy of contribution under this Regulation;

(e) for the appointment of the prescribed authority under sub-section (1) of section 9, the form and manner in which, and the time within which, appeals may be preferred and the fees payable in respect thereof and the procedure which may be followed by such prescribed authority;

[PART II---

(f) for all matters expressly required or allowed by this Regulation to be prescribed.

(2) Every rule made under this Regulation shall, as soon as possible after it is made, be laid before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session, in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

22. Nothing contained in this Regulation shall apply to the levy, Saving. determination, payment or recovery of contribution from the land-holders of lands which are benefited, or are capable of being benefited, by the construction, expansion or alteration of any irrigation or drainage work if provision in that behalf is contained in any other law relating thereto and for the time being in force.

#### THE SCHEDULE

#### (See section 5)

#### Schedule of rates per hectare

New ayacut		
Wet Zone	Intermediary Zone	Irrigated dry Zone
(1)	(2)	(3)
Rs. P.	Rs. P.	Rs. P.
Block A 500.00	425.00	350.00
Block B 450.00	375.00	300.00
Block C 400.00	325.00	260.00:

Provided that land-holders of lands which were un-irrigated immediately before the execution of the notified work and which are newly assured with the supply of water for two wet crops as a result of the execution of the said notified work shall pay betterment contribution at the rate of one hundred and twenty-five rupees per hectare in addition to the rates specified in this Schedule.

#### FAKHRUDDIN ALI AHMED, President.

K. K. SUNDARAM, Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD. NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976

SEC. 1]

latsaid ind. any 1 or the riod, this may ower grant

of

nd;

ied

the

.ion

tal-

and

ction the rity,

, this

f the land e the that xecu-

carry

II to

r sub-

and of wate**r-**

officer

under ind the payable wed by रजिस्ट्री सं॰ डो-(डो)-72

REGISTERED No. D.(D)-72



म्रसाधार्रण EXTRAORDINARY भाग II--खण्ड 1

PART II—Section 1 प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 34] No.34] नई दिल्ली, शुक्रवार, फरवरी 13, 1976/माघ 24, 1897 NEW DELHI, FRIDAY, FEBRUARY 13, 1976/MAGHA 24, 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 13th February 1976/Magha 24, 1897 (Saka)

THE PONDICHERRY IRRIGATION CESS REGULATION,

1976

No. 5 OF 1976

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

A Regulation to levy a cess for the use of water supplied for irrigation purposes in certain cases in the Union territory of Pondi--j cherry.

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 Irrigation Cess Regulation, 1976.

(2) It extends to the whole of the Union territory of Pondicherry.

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

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

(a) "canal" includes—

(i) channel, pipe and reservoir constructed, maintained or controlled by Government for the supply or storage of water;

(ii) any work, embankment, structure, and supply and escape-channel connected with any canal or with such channel, pipe or reservoir, and any road constructed for the purpose of

(221)

Short title, 'extent and commencement.

Definitions.

[PART II-

**f**acilitating the construction or maintenance of any canal or **s**uch channel, pipe or reservoir;

(*iii*) any part of a river, stream, lake, natural collection of water or natural drainage-channel;

(b) "Collector" means the chief officer in charge of the revenue administration of the Union territory of Pondicherry and includes, in relation to any function to be performed by the Collector under this Regulation, such other officer as the Government may, by notification in the Official Gazette, appoint for the purpose;

(c) "fasli" means the year commencing on the 1st day of July of a year and ending with the 30th day of June of the next year;

(d) "Government" means the administrator of the Union territory of Pondicherry appointed by the President under article 239 of the Constitution;

(e) "lands under irrigable command of a canal" means such lands as are irrigated or capable of being irrigated from the canal, being under its command and includes such lands as shall be deemed to be irrigated within the meaning of section 4;

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

(g) "project areas" means areas under Cauveri Mettur Project and the Veedur Project and includes such other areas as the Government may, by notification in the Official Gazette, specify, from time to time, as project areas for the purposes of this Regulation.

Levy and rate of irrigation cess. 3. (1) There shall be levied before the end of every fasli succeeding that in which the irrigation takes place a cess called the irrigation cess in respect of every land under irrigable command of a canal:

Provided that no irrigation cess shall be leviable in respect of water supplied or used for the irrigation of any land which is classified and assessed as wet, unless such land is irrigated whether voluntarily or involuntarily and whether wholly or in part,—

(i) from any source other than a source assigned by the Revenue Department or adjudged by a competent civil court as the source of irrigation of such land; or

(ii) from any source assigned by the Revenue Department or adjudged by a competent civil court as the source of irrigation of such land otherwise than in accordance with any notification or order of the Government or of any authority subordinate thereto, regulating or specifying the time, method and conditions of supply of water for the irrigation of such land from such source and the number of crops which may be irrigated on such land with such supply, free of separate charge.

(2) Subject to the provisions of the First Schedule, the Government may, by notification in the Official Gazette, from time to ume, specify the rates of irrigation cess, to be levied under sub-section (1) not exceeding the rates specified in that Schedule.

SEC. 1]

e

r

f ir

о, .у

ıe

:h

nt fy

3-

(3) Nothing in this section shall apply to any land referred to in section 4.

4. If it shall appear to the Collector that any cultivated land-

(a) receives by percolation or leakage from a canal an advantage equivalent to that which would be given by a direct supply of canal water for irrigation; or

(b) derives by a surface-flow, or by means of a well sunk within forty-five metres of any canal after the admission of water into such canal, a supply of water which has percolated or leaked from such canal,

he may levy on such land the irrigation cess at the rate specified under section 3.

*Explanation.*—For the purposes of this Regulation, any land deriving benefit under clause (a) or clause (b) shall be deemed to be land irrigated from a canal.

5. (1) In addition to the irrigation cess, there shall be levied in respect of any land under irregular irrigation a penalty at such rates and in accordance with such conditions as are specified in the Second Schedule.

*Explanation*—Irrigation is said to be "irregular" when water from a Government source or work is taken or used in the following cases, namely:—

(i) when the water is taken or used for any land registered as wet in the revenue records otherwise than in accordance with the conditions on which it is so registered; or

(*ii*) when the water is taken or used for any other land otherwise than under and in accordance with the terms of a general or special permit in force issued by any authority competent to issue such permit; or

(*iii*) when the water is taken or used for any land in a manner involving any unauthorised interference with an irrigation or drainage work such as cross-bunding a channel, making a cut or hole in the bund, opening or breaking a sluice, changing a pipe, or altering the position of a pipe; or

(*iv*) when the water is taken or used for any land contrary to the orders of any authority competent to give such orders; or

(v) when the water is taken or used for any land in breach of any rule directing from what source or on what conditions water may be taken or used for such land.

(2) The Collector may, for reasons to be recorded in writing and subject to such rules as may be made in this behalf, remit the whole or any part of the penalty leviable under sub-section (1).

(3) The Government may call for and examine any record relating to such remission for the purpose of satisfying itself of the regularity

Penalty for irregular irrigation, remission of penalty and revision.

223

Land derivin**g** 

benefit

from **per.** colation

liable t**o** irrigat**ion** 

cess.

[PART II-

or propriety of such remission and may modify or reverse the decision of the Collector.

6. When water taken from a source or work under the control of the Government be suffered to run to waste by any act or negligence of a person or a group of persons, such person or group of persons shall be liable to pay a penalty not exceeding the irrigation cess that could be levied under the First Schedule.

7. The irrigation cess under section 3 or under section 4 or the penalty under section 5 or any arrears thereof shall be payable by such persons as are liable to pay the land revenue under any law for the time being in force.

Recovery 8. Any amount payable under section 7 or the penalty payable under of amount, section 6 shall be recoverable as an arrear of land revenue.

Power to ma**ke** rule**s**.

9. (1) The Government may 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-

(a) the procedure to be followed in the levy of irrigation cess and penalty; and

(b) any other matter which is to be, or may be, prescribed.

(3) Every rule made under this Regulation shall, as soon as may be after it is made, be laid before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised inone session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

224

Liability when

water

runs to

waste.

Liability

penal**ty**,

to pay

cess,

etc.

1

e a e

е

e h

e

:r

^\_

ıę

35

y is y ly be r e \_\_\_\_\_

## THE FIRST SCHEDULE

## [See sections 3 (2) and 61

## PART I

## WET LANDS

#### (Lands registered in the revenue records as single crop wet lands under the same source of irrigation under which they are registered).

A.-Crops which ordinarily remain on the ground for more than six months.

l. o.		Crops	Maximum rate	of irrigation cess
(1)		(2)		(3)
1.	Crops grown and ha	rvested in the same fasli	Half the wet asse	ssment on the land.
. (	Crops grown in one next fasli:	fasli and harvested in the		
	(i) if no other ir either fasli,	rigated crop is raised in	No cess in either	fasli.
		irrigated crop is raised or after such crop,	No cess in th One-half of th land in the se	ne wet assessment on the
		rrigated crops are raised, d one after such crop,	{ No cess in the Full wet asset second fasli.	first fasli. essment on the land in the
3.	Crops existing on la	ands for two years or more	Half the wet ass fasli.	essment on the land in each
			· ·	
F	3.→Where two crop	s are raised.		
e  S1. 1		Crops	Maximum	n rate of irrigation cess
			Maximun First Crop	n rate of irrigation cess Second Crop
	No.	Crops	·	
31. 1	No.	Crops Second Crop	First Crop	Second Crop
SI. 1	No. First Crop	Crops Second Crop (2)	First Crop (3) No 'cess	Second Crop (4) Half the wet assessment or
Sl. 1 (1) 1.	No. First Crop Wet	Crops Second Crop (2) Wet Dry systematically irriga-	First Crop (3) No 'cess Dc.	Second Crop (4) Half the wet assessment of the land.
51. f (1) 1. 2.	No. First Crop Wet Wet	Crops Second Crop (2) Wet Dry systematically irriga- ted.	First Crop (3) No 'cess Dc.	Second Crop (4) Half the wet assessment of the land. The rate leviable for a similar crop raised on dry lands, subject to the
Sl. 1 (1) 1. 2. 3.	No. First Crop Wet Wet Wet Dry systemati- cally irrigated. Dry systemati-	Crops Second Crop (2) Wet Dry systematically irriga- ted. Dry occasionally irrigated Wet, Dry occasionally irrigated	First Crop (3) No 'cess Dc. ] Do. ] De. ]	Second Crop (4) Half the wet assessment of the land. The rate leviable for a similar crop raised on
(I) I. 2. 3. 4.	No. First Crop Wet Wet Wet Dry systemati- cally irrigated. Dry systemati- cally irrigated.	Crops Second Crop (2) Wet Dry systematically irriga- ted. Dry occasionally irrigated Wet, Dry occasionally irrigated	First Crop (3) No 'cess Dc. ] Do. ] De. ]	Second Crop (4) Half the wet assessment of the land. The rate leviable for a similar crop reised on dry lands, subject to the maximum of half the wet
Sl. 1 (1) 1. 2. 3. 4. 5. 6.	No. First Crop Wet Wet Dry systemati- cally irrigated. Dry systemati- cally irrigated. Dry occasionally irrigated.	Crops Second Crop (2) Wet Dry systematically irriga- ted. Dry occasionally irrigated Wet, Dry occasionally irrigated	First Crop (3) No 'cess Dc. ] Do. ] Do. ] Do. ] Do. ] Do. ] Do. ]	Second Crop (4) Half the wet assessment of the land. The rate leviable for a similar crop rejsed on dry lands, subject to the maximum of half the wet

226

 $\equiv$ 

C.- Where more than two crops are raised.

Crop		Maximum rate of irrigation cess
(1)		(2)
Third Crop.		The difference between half the wet assess- ment on the land and the rate leviable under B. above or the second crop.

		-	
P	AR	С <b>Г</b> . –	11

#### LANDS OTHER THAN WET LANDS

A.--Crops which ordinarily remain on the ground for more than six months.

Maximum rate of irrigation cess per hectare Lands under project areas Rs. p. 112.50 Rs. p. 75.00

B.--Crops other than those covered by A. above :

(i) where two crops are raised :

<u>SI. N</u>	No. Crop First Crop Seco						r hectare for each crop Lands under other areas		
	FILS	t Crop		Зесоц	d Crop ·	First Crop	Second Crop	First Crop	Second Crop
(1)	(2)				(3)	(4)	(5)	(6)	(7)
I.	Wet		• •	Wet		Rs. p. 7500	Rs. p. 37—50	Rs. p. 50-00	Rs. p. 25-00
2.	Wet	•	• •	Dry irri	systematically igated.	75—00	28—14	5000	18-75
3.	₩et	•			occasionally gated.	75 00	18-75	5000	1250
4.	Dry it	systema rigated.	tically	Wet		56-25	46-89	3750	31 <b>—2</b> 5
5.		syster rigated.			systematically igated.	5625	37—50	37—50	2500
6.		syste: rigated.	natically		occasionally igated.	5625	2814	37—50	18-75
7.		occa rrigated.		Wet		37-50	56-25	2300	37—50
8.	Dry irrig	occ sated.	asionally	y Dry irr:	systematically igated.	3750	4689	2500	31—25
9.		v occ rrigated.			occasionally rigated.	3750	3750	2500	2500

SEC. 1]

II—

:ssder

----

crop other

ond

op

s.p. ~00

- 75

--50

--25

-00

- 75

- 50

---25

----00

#### THE GAZETTE OF INDIA EXTRAORDINARY

).	Crop		Maximum rate of irrigation cess per hectare for the third crop		
			Lands under project areas	Lands under othe areas	
1)	(2)		(3)	(4)	
			Rs. p.	Rs. p.	
T.	Wet .		37 50	2500	

Explanation: (1) The expression "systematically irrigated" refers to the irrigation of dry crops like ragi, cholam, cumbu, groundnut and chillies;

(2) The expression "occasionally irrigated" refers to the irrigation of dry crops like rainfed cumbu and gingelly;

(3) The expression "wet assessment" refers to the land assessment in respect of lands registered as wet lands in the revenue records under the settlement in force from time to time.

#### CONDITIONS

1. (i) Cocoanut and other tope plantations on single crop wet land shall be treated as crops remaining on ground for more than six months if water is taken for a number of months in a fasli sufficient for raising two rice crops, that is for more than six months.

(ii) Such trees, if more than three years' old, shall not be treated as irrigated crops, unless they are irrigated otherwise than by percolation.

(iii) Where isolated trees are grown on bunds of fields or elsewhere, every tree shall be deemed to occupy 3 ares, and the irrigation cess levied accordingly.

2. Irregular irrigation of wet lands shall be treated as dry lands for the purpose of levy of irrigation cess and the cess shall be levied accordingly.

3. The charge per hectare for crops irrigated by means of mechanical contrivances shall be three-fourths of the rates levied for irrigation by direct flow, provided that the land has not also been irrigated by direct flow from a Government source. This shall apply also to irrigation by means of water carried in pots, provided that backyard cultivation so carried on shall be altogether exempt from charge.

4. Where portions of a field are irrigated, the charge shall be calculated on the actual extent irrigated.

5. Where two or more crops of different kinds liable to different rates of irrigation cess are cultivated, the levy shall be regulated according to the area under each crop.

6. Any variety of paddy which is harvested only once shall be treated as a single crop for the purpose of levy of irrigation cess irrespective of the period for which water is required for it.

[PART II---

7. In the case of ottadam cultivation on single crop wet lands, no irrigation cess shall be levied although the whole crop requires water for more than six months. If the lands are dry, the ottadam or samba crops standing on the ground after the harvest of the first crop shall not be treated as a second crop for the levy of irrigation cess.

8. Casuarina, bamboo and other timber and fuel plantations shall be treated as dry crops and one-third of irrigation cess for the first wet crop shall be levied for their irrigation on single crop wet lands. If the lands are dry, the irrigation cess shall be levied as for single crop or crops remaining on ground for more than six months, according to the number of months during which the water is actually taken.

#### EXEMPTIONS

1. No irrigation cess shall be leviable when crops classed as dry are irrigated by percolation, unless owing to drought or other special circumstances it is manifest that without such irrigation the land must have remained waste or the crop must have perished. In case of doubt whether the crop could have been successfully raised without such irrigation, no levy shall be made.

2. No irrigation cess shall be leviable on dry lands when used as seed-beds, but this exemption shall not apply when the water is irregularly taken.

#### THE SECOND SCHEDULE

(See section 5)

#### RATE OF PENALTY

No. of occasions of irregular	Rate of penalty		
irrigation	Wet lands	Lands other than wet lands	
(I)	(2)	(3)	
On the first occasion. • •	Nil	Not exceeding the amount of irrigation cess under Part II of the First Schedule.	
On the second occasion .	Not exceeding three times the irrigation cess under Part II of the First Schedule.	Part II of the First	
On the third occasion	Not exceeding eight times the irrigation cess under Part II of the First Schedule.	n the irrigation cess under Part II of the First	

SEC. 1]

RT II-

s, no water samba ill not

11 be
t wet
[f the
p or

o the

7 are

cum-

have

.oubt

irri-

as egu-

> nt ss ie

ies .er rst

> きい 次 れ

THE GAZETTE OF INDIA EXTRAORDINARY

(I)	(2)	(3)
On the fourth or any subse- quent occasion	Not exceeding eigh- teen times the irrigation cess un- der Part II of the First Schedule	Not exceeding nineteen times the irrigation cess under Part II of the First Schedule

#### CONDITIONS

1. Where a crop is irrigated with the water taken in the manner referred to in section 5, the irrigation of such crop shall not be deemed to constitute more than one occasion.

2. The penalty leviable on the second or any subsequent occasion as indicated above shall be levied only when the land for which water is irregularly taken or used is the same survey field or registered sub-division or a portion of the same survey field or registered sub-division on both or all the occasions, as the case may be.

# FAKHRUDDIN ALI AHMED, President.

K. K. SUNDARAM, Secy. to the Govt. of India.

229

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976

रजिस्टी सं० डी-(डी)-72

REGISTERED No. D-(D)-72

**NIS** ि का The Gazette of India

#### असाधारण

#### EXTRAORDINARY

भाग II---खण्ड 1

PART II-Section 1

प्राधिकार से प्रकाशित

#### PUBLISHED BY AUTHORITY

सं0 63

2 of 1899

नई दिल्ली, मंगलवार, अप्रैल 6, 1976/चैत्र 17, 1898 NEW DELHI, TUESDAY, APRIL 6, 1976/CHAITRA 17, 1898 No. 63]

ास भाग में भिन्न पष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सब । 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 6th April, 1976/Chaitra 17, 1898 (Saka) THE INDIAN STAMP (PONDICHERRY AMENDMENT) **REGULATION**, 1976

#### No. 6 OF 1976

Promulgated by the President in the Twenty-seventh Year of the Republic of India

A Regulation further to amend the Indian Stamp Act, 1899 in its application to the Union territory of Pondicherry.

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 Indian Stamp (Pondicherry Amendment) Regulation, 1976.

(2) It extends to the whole of the Union territory of Pondicherry.

2. In section 10 of the Indian Stamp Act, 1899 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) (a) Notwithstanding anything contained in sub-section (1), where the State Government is satisfied that on account of temporary shortage of stamps in any region in the Union territory of Pondicherry duty cannot be paid, and payment of duty cannot be indicated on intruments, by means of stamps, it may, by notification in the Short title and extent.

Amend\_ ment of section 10.

#### THE GAZETTE OF INDIA EXTRAORDINARY [Part II—Sec. 1]

Official Gazette, direct that, in such region and for such period as may be specified in such notification, the duty may be paid in cash in any branch of the State Bank of India or in a Government treasury or sub-treasury and the Collector shall, on production of challan evidencing payment of stamp duty in the State Bank of India, Government treasury or sub-treasury, certify by endorsement on the instrument, in respect of which the stamp duty is paid, that the duty has been paid and state in the said endorsement the amount of the duty so paid.

(b) An endorsement made on any instrument under clause (a) shall have the same effect as if the duty of an amount equal to the amount stated in the endorsement had been paid in respect of, and such payment had been indicated on such instrument by means of stamps, under sub-section (1).".

**3.** After section 64 of the principal Act, the following section shall **be** inserted, namely:—

Recovery of amount of deficit stamp stuty

**Insertioa** 

af new

section 54-A 480

"64-A (I) Where any person liable to pay duty under this Act is convicted of an offence under section 64, in respect of any instrument (not being an instrument specified in entry 91 of List I in the Seventh Schedule to the Constitution), the Magistrate shall, in addition to the punishment which may be imposed for such offence, recover summarily and pay over to the Collector the amount of duty, if any, due under this Act from such person in respect of that instrument and the Collector shall thereupon certify by endorsement on that instrument that proper duty has been levied in respect thereof:

Provided that if the person referred to in this sub-section has already paid any amount towards the duty payable under this Act in respect of the instrument in relation to which such person was convicted, the Magistrate shall recover only the difference in the amount of duty.

(2) The amount recoverable under sub-section (1) shall be recovered by the Magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1973.".

> FAKHRUDDIN ALI AHMED, President

2 of

K. K. SUNDARAM, Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976

**REGISTERED No. D-(D)-72** 

**HRA** an **U.514** The Gazette of India

ग्रसाधारण

EXTRAORDINARY

भाग II---खण्ड 1 PART II-Section 1

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं० 78] No.78]

रजिस्द्री संव डी-(डी)-72

: 1]

may

any or

encient ent,

een

SO

(a)

the and ; of

hall

Act

ns-

all, ich

the

"2S

by

in

has

Act

vas the

be

the

D,

lia.

2 of 1

Ι

] नई दिल्ली, बृहस्उतिवार, मई 6, 1976/वैशाख 16, 1898 NEW DELHI, THURSDAY, MAY 6, 1976/VAISAKHA 16, 1898

इस 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, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 6th May, 1976/Vaisakha 16, 1898 (Saka)

THE PONDICHERRY GENERAL SALES TAX (AMENDMENT) REGULATION, 1976

No. 7 of 1976

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

A Regulation further to amend the Pondicherry General Sales Tax 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 Short Tax (Amendment) Regulation, 1976. title and

(2) It shall come into force on the 15th day of May, 1976.

2. In the Pondicherry General Sales Tax Act, 1967,-

(a) in the First Schedule,...

(i) in serial number 15, in column (4), for the figures "10", the figures "14" shall be substituted;

(ii) in serial number 16, in column (4), for the figures " $5\frac{1}{2}$ ", Pondithe figures " $6\frac{1}{2}$ " shall be substituted; Act 6

(*iii*) in serial number 46, in column (4), for the figure "7", of 1967. the figures "10" shall be substituted;

com-

mence-

Amendment of

Second Sche-

ment.

First

and

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

(b) in the Second Schedule, in serial number 4, in column (4), for the figure "2", the figure "3" shall be substituted.

FAKHRUDDIN ALI AHMED,

President.

K. K. SUNDARAM,

Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER. GOVERNMENT OF INDIA PRESS. MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976

Sec. 1] n (4),

ED, ident.

AM, India. रजिस्ट्री सं॰ की-(डी)-72

REGISTERED No. D-(D)-72.



ग्रसाधारण

EXTRAORDINARY

भाग П---खण्ड 1

PART II-Section 1 प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

**H**o 80] No. 80]

नई दिल्ली, बुधवार, मई 12, 1976/वंशाख 22, 1898 NEW DELHI, WEDNESDAY, MAY 12, 1976/VAISAKHA 22, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह श्रलग संकलन के रूप में रखा जा **स**के । 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 12th May, 1976/Vaisakha 22, 1898 (Saka)

THE PONDICHERRY MUNICIPALITIES AND VILLAGE AND COMMUNE PANCHAYATS (AMENDMENT) **REGULATION**, 1976

No. 8 of 1976

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

A Regulation further 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, 1976.

title.

2 In the Pondicherry Municipalities Act, 1973, after section 507, the Insertion following section shall be inserted, and shall be deemed to have been

of new section 507A in Pondicherry Act 9 of 1973.

**tOAD** 1976

# THE GAZETTE OF INDIA EXTRAORDINARY [PART II-

inserted with effect from the 26th day of January, 1974, namely:-

Persons by whom certain functions or duties are to be performed or discharged. 624

"507A. Where any authority or functionary constituted or appointed under the repealed law was, immediately before such repeal, performing any function or was discharging any duty under that law or any other law, such function or duty shall be performed or discharged by the corresponding authority or functionary constituted or appointed under this Act:

Provided that-

(i) if any question arises as to who such corresponding authority or functionary is, or

(ii) if there is no such corresponding authority or functionary, the Government may, by notification, direct as to which authority or functionary shall perform such function or discharge such duty, and any such direction may be given retrospective effect from a date not earlier than the appointed day.".

3. In the Pondicherry Village and Commune Panchayats Act, 1973-

(a) in section 127, in sub-section (1), in the proviso, the following shall be inserted at the end, namely:—

"and where the Legislative Assembly is dissolved, or the functioning of that body as such Legislature remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A of the Constitution, except with the previous approval of the Central Government";

(b) in section 334—

(i) clause (e) shall be omitted;

(*ii*) in clause (*h*), in the proviso, for the words "interim village panchayat", the words "successor commune panchayat council" shall be substituted;

(*iii*) in clauses (*i*), (*j*), (*l*), (*n*) and (*n*), the words "the interim village panchayat" and "interim village panchayat", wherever they occur, shall be omitted:

(iv) in clause (p), the words ", or the interim village panchayat, as the case may be" shall be omitted;

(c) after section 334, the following section shall be inserted, and shall be defended to have been inserted with effect from the 26th day of January, 1974, namely:—

"334A. Where any authority or functionary constituted or appointed under the repealed law was, immediately before such repeal, performing any function or was discharging any duty under that law or any other law, such function or duty shall be performed or discharged by the corresponding authority or functionary constituted or appointed under this Act:

Provided that—

(i) if any question arises as to who such corresponding authority or functionary is, or

Amendment of sections 127 and 334 of, and insertion of new sections 334A and 334B in, Pondicherry Act 10 of 1973.

Persons by whom certain functions or duties are to be performed or discharged.

• || . • || .

(ii) if there is no such corresponding authority or functionary,

the Government may, by notification, direct as to which authority or functionary shall perform such function or discharge such duty, and any such direction may be given retrospective effect from a date not earlier than the commencement of this Act.";

(d) after section 334A, the following section shall be inserted, mamely:-

"334B. (1) Notwithstanding anything contained elsewhere in Successor this Act or any other law for the time being in force, a successor commune commune panchayat council shall, until a village panchayat is constituted within its territorial jurisdiction, exercise all the powers (including the power to impose any tax) and perform all the functions of such village panchayat.

panchayat to exercise powers and perform of village panchayat.

(2) Any amount received or expended shall be credited or, functions as the case may be, debited, to the account of the village panchayat concerned, and, for the said purpose, the Chairman and the Commissioner of the successor commune panchayat council shall perform the functions and discharge the duties of the President and the executive authority, respectively, of the village panchayat concerned.

(3) On the constitution of a village panchayat in accordance with the provisions of this Act-

(a) the Government may pass such orders as it deems fit with regard to the transfer to the village panchayat, from the successor commune panchayat council, of any property, moveable or immovable, which has vested in the successor commune panchayat council by virtue of a direction made by the Government under the proviso to clause (h) of section 334;

(b) any asset or institution acquired, or liability incurred, by a successor commune panchayat council on behalf of the village' panchayat at any time when such successor commune panchayat council has been performing the functions or discharging the duties of that village panchayat, shall stand transferred to that village panchayat.".

> FAKHRUDDIN ALI AHMED, President.

> > K. K. SUNDARAM, Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976

Sec. 11

r

h  $\mathbf{r}$ 

d

Y

Ig

Ÿ.

)r

d

ht.

ıg

ıe

d

d

h

m

£

m

er

;e

d ١V

r :h ;y

)e

)r

ıg

रजिस्ट्री सं॰ डो-(डो)-72

**REGISTERED No. D-(D)-72** 



ग्रसाधाः ग EXTRAORDINARY

भाग ]]--खण्ड 1

PART II-Section 1 PUBLISHED BY AUTHORITY

to 104] No. 104]

1966

नई दिल्ली, शकवार, जुन 25, 1976/ग्राषाढ़ 4, 1898 NEW DELHI, FRIDAY, JUNE 25, 1976/ASADHA 4, 1898

इस भाग में भिन्न पुब्ट संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जासके।

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 25th June, 1976/Asadha 4, 1898 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS LAND REVENUE AND LAND REFORMS (AMENDMENT) **REGULATION**, 1976

No. 9 of 1976

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

A Regulation to amend the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966.

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

1. (1) This Regulation may be called the Andaman and Nicobar Islands Land Revenue and Land Reforms (Amendment) Regulation, 1976.

Short title and commencement.

Amend\_

ment of section 2.

(2) It shall come into force at once.

2. In section 2 of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966 (hereinafter referred to as the principal Regulation), clause (17) shall be omitted.

3. Section 139 of the principal Regulation shall be re-numbered as Amend\_ sub-section (1) thereof and after sub-section (1) as so re-numbered, the ment of following sub-section shall be inserted, namely:section 139.

"(2) A chowkidar who is found negligent in the performance of any duty assigned to him by or under this Regulation shall be liable under the orders of the Tehsildar, to a fine which may extend to twenty rupees.".

(903)

Amend\_ ment of

section 152 4. In section 152 of the principal Regulation,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Where, during the period of one agricultural year,-

(a) an occupancy tenant or a non-occupancy tenant does not cultivate his holding, or leaves the locality in which he usually resides without making any arrangement for the cultivation of his holding, or

(b) a grantee does not cultivate the holding given under the grant or leaves the village in which he usually resides without making proper arrangement for the maintenance of the holding given under the grant,

the Sub-Divisional Officer may, after such enquiry as he may deem necessary, take possession of the land comprising the holding and arrange for its cultivation and upkeep by letting it out for a period of one agricultural year at a time on behalf of such occupancy tenant, non-occupancy tenant or grantee.";

(ii) to sub-section (2), the following proviso shall be added, namely:---

"Provided that no such land shall be restored to the possession of the tenant or grantee or other person unless the period for which such land has been let out by the Sub-Divisional Officer under sub-section (1) has expired.".

5. In section 159 of the principal Regulation,-

(i) for sub-sections (1), (2) and (3), the following sub-sections shall be substituted, namely:—

"(1) Subject to the provisions of section 186, an occupancy tenant may transfer any interest in his land:

Provided that an occupancy tenant, from whom any amount by way of loan or otherwise is due to the Government, shall not transfer such interest except with the previous permission in writing of the Deputy Commissioner.

(2) Notwithstanding anything contained in sub-section(1) or any other law for the time being in force,—

(i) no mortgage of his interest in any land by an occupancy tenant shall be valid unless at least two hectares of land is left with him free from any encumbrance or charge;

(ii) no occupancy tenant shall have the right to transfer his interest in any land if after such transfer the total extent of the land held by him will be reduced below two hectares; and

(*iii*) the interest of an occupancy tenant in any land, to the extent of two hectares, shall not be liable to be attached or sold in execution of any decree or order of any court:

Amend\_ ment of section. 159. 9°4 '

Provided that nothing in this sub-section shall prevent an occupancy tenant from mortgaging or transferring his interest in any land to secure payment of any loan made to him by the Government or a co-operative society or an institution established for a public, religious or charitable purpose or a bank, or shall affect the right of the Government or such co-operative society, institution or bank, as the case may be, to sell such interest for the recovery of such loan in execution of a decree or order of any court.

(3) (a) A grantee may mortgage or transfer any interest in his land with the previous permission in writing of the Chief Commissioner.

(b) The interest of a grantee in any land, to the extent of two hectares, shall not be liable to be attached or sold in execution of a decree or order of any court:

Provided that nothing in this sub-section shall prevent a grantee from mortgaging or transferring his interest in any land to secure payment of any loan made to him by the Government or a co-operative society or an institution established for a public, religious or charitable purpose or a bank, or shall affect the right of the Government or such co-operative society, institution or bank, as the case may be, to sell such interest for the recovery of such loan in execution of a decree or order of any court.";

(ii) sub-section (4) shall be omitted;

(iii) to sub-section (8), the following proviso shall be added, namely:-

"Provided that nothing in this sub-section shall prevent a non-occupancy tenant from mortgaging or transferring his interest in any land to secure payment of any loan made to him by the Government or a co-operative society or an institution established for a public, religious or charitable purpose or a bank, or shall affect the right of the Government or such co-operative society, institution or bank, as the case may be, to sell such interest for the recovery of such loan in execution of a decree or order of any court.";

(iv) in sub-section (9),—

(a) in the opening paragraph, for the words "except with the previous permission in writing of the Chief Commissioner", the words "except with the previous permission in writing of the Chief Commissioner and subject to such terms and conditions as may be specified by him" shall be substituted;

(b) in the proviso, for the words "sixty days", the words "four months" shall be substituted;

(v) the Explanation below sub-section (9) shall be numbered as Explanation I, and after Explanation I as so numbered, the following Explanation shall be inserted, namely:—

"Explanation II.—For the purpose of this section, "bank" means any banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949, and includes,—

SEC. 1]

II.—

\_\_\_\_

bsti-

ır,---

nant

nent

iven

tally

lain-

may

the

ıg it

lf of ";

ided,

sses-

eriod

ional

tions

ancy

any

nent

per-

ction

an

tares

ce or

ranstotal

two

land,

iched

ourt:

in

# THE GAZETTE OF INDIA EXTRAORDINARY [PART II-

\_

23 of 19

38 of 19

5 of 197

10 of 19

21 of 19

(i) the State Bank of India constituted under the State Bank of India Act, 1955;

(*ii*) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks), Act, 1959;

(*iii*) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

(*iv*) the Agricultural Refinance and Development Corporation established under the Agricultural Refinance and Development Corporation Act, 1963;

(v) a Regional Rural Bank established under subsection (1) of section 3 of the Regional Rural Banks Act, 1976;

(vi) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949;

10 of 19

67 of 19

(vii) any other financial or banking institution notified by the Central Government in the Official Gazette as a bank for the purposes of this Regulation.".

Amendment of section 201.

(i) after sub-section (2), the following sub-section shall be inserted, namely:—

6. In section 201 of the principal Regulation,—

"(2A) The Government may assign to any person its right over any minerals, mines or quarries and the Chief Commissioner may, with the previous approval of the Government, assign to any person the right of the Government over minor minerals.

Explanation.—In this sub-section, the expression "minor minerals" has the same meaning assigned to it in clause (e) of section 3 of the Mines and Minerals (Regulation and Development) Act, 1957.";

(*ii*) in sub-section (3), for the words "If the Government has assigned to any person its right", the words "If the Government or the Chief Commissioner has assigned to any person the right" shall be substituted;

(*iii*) in sub-section (4), for the words "the Government or its assignee", the words "the Government or the Chief Commissioner or the assignee" shall be substituted;

(iv) in sub-section (5), the words "of the Government" shall be omitted;

(v) in sub-section (6), for the words "the right to which vests in, and has not been assigned to him by, the Government, he", the words "the right to which vests in the Government and has not been assigned to him by the Government or the Chief Commissioner, such person" shall be substituted;

SEC. 1]

<u>[[</u>\_\_\_

· · ·

tate

ς of

tion

· of

Corand

sub-Act,

tral

tion

fied ank

be

ight nisent, nor

nor of <del>lop</del>

has ; or nall

its ner

iall

ests the een

Jch

67 of

23 0

38 🦓

5 of

10 0

21 of

10 0

(vi) in sub-section (7), for the words "the right to which vests in, and has not been assigned by, the Government", the words "the right to which vests in the Government and has not been assigned by the Government or the Chief Commissioner" shall be substituted.

7. In section 210 of the principal Regulation, in sub-section (2), after Amendclause (xxxii), the following clause shall be inserted, namely:-

ment of section 210

907

"(xxxiia) the inspection by officers of lands in respect of which a grant has been made or a licence has been granted under section 146 and the carrying out by grantees and licensees of such preventive or remedial measures as may be necessary for the protection of plants or crops in such land;".

# FAKHRUDDIN ALI AHMED, President.

# K. K. SUNDARAM. Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI THE GENERAL MANAGER, GOVERNMENT OF SUBLICATIONS DELHI, 1976 NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976 र्रीजस्ट्री सं० डी-(डी)-72

REGISTERED No. D-(D)-72



असाधारण EXTRAORDINARY

> भाग II---खण्ड 1 PART II-Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 105] No. 105] नई दिल्ली, शुक्रघार, जून 25, 1976/प्राषाढ़ 4, 1898 NEW DELHI, FRIDAY, JUNE 25, 1976/ASADHA 4, 1898

इस 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, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 25th June, 1976/Asadha 4, 1898 (Saka)

# THE PONDICHERRY MUNICIPALITIES AND VILLAGE AND COMMUNE PANCHAYATS (SECOND AMENDMENT) REGULATION, 1976

No. 10 of 1976

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

A Regulation further to amend the Pondicherry Municipalities Act, <u>1973 and the Pondicherry Village and Commune Panchayats Act</u>, <u>1973.</u>

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 Village and Commune Panchayats (Second Amendment) Regulation, 1976.

2. In section 506 of the Pondicherry Municipalities Act, 1073, in subsection (2), for the words "one year", the words "two years" shall be substituted.

Short title.

Amendment of section 506 of Pondicherry Act 9 of 1973. 3. In section 333 of the Pondicherry Village and Commune Pancha-

yats Act, 1973, in sub-section (2), for the words "one year", the words

Amendment of section 333 of Pondicherry Act 10 ôf 1973,

# FAKHRUDÐIN ÁLI ÁHMED; President:

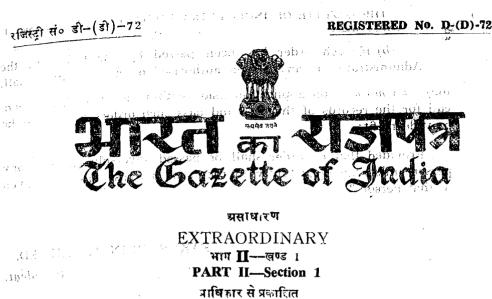
# K. K. SUNDARAM, Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976

5.1X ()

1.2

"two years" shall be substituted.



PUBLISHED BY AUTHORITY

Ho 108] नई दिल्ली, शुक्रवार, जुल.ई 2, 1976/म्राष.ढ़ 11, 1898 New DELHI, FRIDAY, JULY 2, 1976/ASADHA 11, 1898

इस भाग में भिन्न पृब्ट संख्या दा जातो 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 2nd July, 1976/Asadha 11, 1898 (Saka)

THE DADRA AND NAGAR HAVELI LAND REFORMS (AMENDMENT) REGULATION, 1976

No. 11 OF 1976

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

A Regulation further 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. This Regulation may be called the Dadra and Nagar Haveli Land Short Reforms (Amendment) Regulation, 1976.

tution of new section for section 46.

"46. Where no appeal has been filed under section 44 or section 45  $_{\rm Revision.}$  against an order passed in any case,—

tup f(a) if such order has been passed by the prescribed authority, the Collector; and sri unra muren artist un stig

FRINTED BY THE DENERS MARKER STATES FROM A WARD ROAD, FRINTED BY AND ROAD, AND THE DENERS MIKED ROAD, AND THE STATUS OF HER COVERNMENT OF HER COVERNMENT, 1976

3 of 1971.

(b) if such order has been passed by the Collector, the Administrator or any person authorised by him in this behalf,

may, suo motu or on application made within the prescribed period, call for the records of the case and 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."

### FAKHRUDDIN ALI AHMED,

President.

# K. K. SUNDARAM, Secy. to the Govt. of India.

महा प्रबन्धक, भारत सरकार मुद्रणालय, मिन्टो रोड, नई दिल्ली द्वारा मुद्रित तथा नियंत्रक, प्रकाशन विभाग, दिल्लो द्वारा प्रकाश्चित 1976 PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976 रजिस्ट्री सं डी-(डी०)-72

2 1]

the ialf,

iod, he

any

ven

D,

ent.

ıdia.

REGISTERED No. D-(D)-72

# का राज The Gazette of India

ग्रसाधारण EXTRAORDINARY

भाग II---खण्ड 1 PART II-Section 1 प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 117] No. 117 ]

921899.

ad, 976

नई दिल्ली, बुघवार, ग्रगस्त 11, 1976/श्रावण 20, 1898 NEW DELHI, WEDNESDAY, AUGUST 11, 1976/SRAVANA 20, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह श्रलग 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 11th August, 1976/Sravana 20, 1898 (Saka)

THE INDIAN STAMP (PONDICHERRY SECOND AMENDMENT) REGULATION, 1976

No. 12 of 1976

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

A Regulation further to amend the Indian Stamp Act, 1899, as in force in the Union Territory of Pondicherry.

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 Indian Stamp (Pondicherry Second Amendment) Regulation, 1976.

(2) It extends to the whole of the Union territory of Pondicherry.

(3) It shall come into force on such date as the Administrator of the Union territory of Pondicherry may, by notification in the Official Gazette, appoint.

2. In section 47A of the Indian Stamp Act, 1899, as in force in the Union territory of Pondicherry (hereinafter referred to as the principal Act), for the words "conveyance, exchange or gift", wherever they occur, the words "conveyance, exchange, gift, partition or settlement" shall be substituted.

Short title, extent and commencement.

Amendment of section 47A.

(1013)

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

Amendment of Schedule Ŀ

3. In Schedule I to the principal Act,---

(a) in Article 45, in the entries in the second column, for the words "amount of the value of the separated share or shares of the property", the words "amount of the market value of the separated share or shares of the property" shall be substituted;

(b) in Article 58, in the entries in the second column, for the words "value of the property settled as set forth in such settlement", the words "market value of the property settled in such settlement" shall be substituted.

# FAKHRUDDIN ALI AHMED,

President.

K. K. SUNDARAM, Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976

Sec. 1]

for the of the parated

or the ment", settle-

ED, sident.

AM, India रजिस्ट्री सं० डी-(डी)-72

REGISTERED No. D-(D)-72



् असाधारण EXTRAORDINARY भाग II—खण्ड 1 PART II—Section 1 प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं 153] नई दिल्ली, बुधवार, सितम्बर 29, 1976/ग्राश्विन 7, 1898 No. 153] NEW DELHI, WEDNESDAY, SEPTEMBER 29, 1976/ASVINA 7, 1898

इस 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, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 29th September, 1976/Asvina 7, 1898 (Saka) THE DADRA AND NAGAR HAVELI LAND REFORMS (SECOND AMENDMENT) REGULATION, 1976

No. 13 of 1976

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

A Regulation further 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 (Second Amendment) Regulation, 1976.

(2) It shall come into force at once.

**d 1**971.

2. In the Dadra and Nagar Haveli Land Reforms Regulation, 1971, after section 47, the following section shall be inserted, namely:—

'47A. Notwithstanding anything contained in any law for the time being in force, no party to any proceeding under this Regulation shall be entitled to be represented by a legal practitioner before the prescribed authority, Collector or Administrator:

Short title and commencement.

Insertion of new section 47A. Parties not to be represented by legal practitioners before prescribed authority\_etc Provided that the prescribed authority, Collector or Administrator, as the case may be, may, in the interests of justice and for reasons to be recorded in writing, allow any such party to be represented by a legal practitioner at his own cost.

Explanation.—For the purposes of this section, "legal practitioner" has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961.'.

# FAKHRUDDIN ALI AHMED,

President.

25 of 196

K. K. SUNDARAM, Secy. to the Govt. of India.

			· .
			•
1]		रजित्द्री सं० डो-(डो)-72 REGISTERED No. D-(D)-72	
• ~ ~ ~ ~ ~			
ra- )ns		NAVI Y	•
by			
		ATZA STVA	
cti- of		a a sta of Chadia	
01	25 of	The Gazette of India	
		असाधारण	
		EXTRAORDINARY भाग IIखण्ड 1	
),		PART II—Section 1	
ent.		प्राधिकार से प्रकाशित PUBLISHED BY AUI'HORITY	•
		Ho         2]         HE         I	
dia.		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, JUSTICE AND COMPANY AFFAIRS	
		(Legislative Department) New Delhi, the 12th January, 1977/Pausa 22, 1898 (Saka)	
		THE YANAM LAND REFORMS (CEILING ON AGRICUL- TURAL HOLDINGS) REGULATION, 1977 No. 1 of 1977	
		Promulgated by the President in the Twenty-seventh Year of the Republic of India.	
·		A Regulation to provide for the fixation of ceiling on agricultural holdings in the region known as Yanam in the Union territory of Pondicherry and taking over of surplus lands and to provide for matters connected therewith.	
		In exercise of the powers conferred by the second proviso to clause (1) of article 240 of the Constitution, the President is pleased to promul- gate the following Regulation made by him:—	
		<b>1.</b> (1) This Regulation may be called the Yanam Land Reforms (Coiling on Agricultural Holdings) Regulation, 1977.	Short title,
		(2) It extends to the whole of the Yanam region in the Union terri- tory of Pondicherry.	and
		(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint	commen- cement.
		(a) "agricultural year" means the year commencing on the 1st	Definitions
· ·		day of April in any year and ending with the 31st day of March of the year next succeeding:	
		<sup>Provided</sup> that the Collector may, with respect to any crop, area or category of land, by notification, specify the year between such	
	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	other dates as he may deem fit, as an agricultural year; (b) "Appellate Tribunal" means the Appellate Tribunal consti- tuted under section 18 and where no such Appellate Tribunal is in existence, the Collect	
JAD,		existence, the Collector;	
976			

[PART II---

(c) "bank" means a banking company as defined in section 5 of the Banking Regulation Act, 1949, and includes 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, and a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and such other financial institution owned, controlled or managed by a State Government or the Central Government as may be notified in this behalf by the Government;

(d) "ceiling area" means the extent of land specified in section 3 to be the ceiling area;

(e) "Collector" means the chief officer in charge of the revenue administration of the Union territory of Pondicherry;

(f) "Deputy Collector (Revenue)" means the Deputy Collector (Revenue), Yanam;

(g) "double crop wet land" means any wet land on which two crops per fasli year have, or a dufassal crop has, been raised with the use of water from a Government source of irrigation in any four fasli years within a continuous period of six fasli years immediately before the specified date;

 (h) "dry land" means land registered as Terres a Pasturage in the revenue accounts of the Government other than lanka or padugai land or land used as coconut or grape garden immediately before
 the specified date;

(i) "family unit" means—

(i) in the case of an individual who has a spouse or spouses, such individual, the spouse or spouses and their minor sons and unmarried minor daughters, if any;

(*ii*) in the case of an individual who has no spouse living, such individual and his or her minor sons and unmarried minor daughters, if any;

(*iii*) in the case of an individual who is a divorced husband and who has not remarried, such individual and his minor sons and unmarried minor daughters, if any, whether in his custody or not; and

(*iv*) where an individual and his or her spouse are bothdead, their minor sons and unmarried minor daughters, if any.

*Explanation*.—Where a minor son is married, his wife and their offspring, if any, shall also be deemed to be members of the family unit of which the minor son is a member;

(j) "fasli year" means the year commencing on the 1st day of July in any year and ending with the 30th day of June of the year mext succeeding;

tory of Pondicherry appointed under article 239 of the Constitution;

(l) "Government source of irrigation" means a source of irrigation in the land revenue accounts of the Government as such, including a well constructed or maintained by the Government

(m) "holding" means the entire land held by a person,—

(i) as an owner;

fronte a

aatminü

(ii) as a limited owner;

SEC. 1]

tow

b.

tion 5 Bank subsi-Banks) anking , 1970, anaged e noti-

RT 11-

section

evenue

ollector

ch two d with in any imme-

rage in padugai before

spouses, ons and

living, 1 minor

usband or sons custody

re both any.

<del>id their</del> family

day of he year

n terriitution; irriganent as rnment (iii) as an usufructuary mortgagee;

(*iv*) as a tenant;

(v) who is in possession by virtue of a mortgage by conditional sale or through part performance of a contract for the sale of land or otherwise;

or partly in one of the said capacities and partly in any other of the said capacity or capacities; and the expression "to hold land" shall be construed accordingly.

*Explanation.*—Where the same land is held by one person in one capacity and by another person in any other capacity, such land shall be included in the holding of both such persons;

(n) "land" means land which is used or is capable of being used for purposes of agriculture, or for purposes ancillary thereto, including horticulture, forest land, pasture land, waste land and tope; and includes land deemed to be agricultural land under this Regulation;

(o) "law" includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law;

(p) "notification" means a notification published in the Official Gazette; and the expression "notify" shall be construed accordingly; (q) "notified date" means the date notified under sub-section.

(a) notified date means the date notified under sub-section (a) not section 1;

(r) "owner" includes a person by whom or in whose favour **a** trust is created and a person entitled to a vested remainder; but does not include a limited owner;

(s) "person" includes an individual, a family unit, a trustee, **a** company, a firm, a society or an association of individuals, whether incorporated or not;

ernment under this Regulation;

(u) "specified date" means,---

*i*) in the case of a declaration required to be filed und**er** section 7, the notified date; and

(ii) in the case of a declaration required to be filed under section 16, the date of acquisition, usufructuary mortgage, lease, marriage, adoption or alteration in the classification of the land

referred to therein, as the case may be;

(v) "standard holding" means the extent of land specified in section 4 to be the standard holding;

 $(\psi)$  "tenant" means any person who has paid or has agreed to pay rent or other consideration for his being allowed by another to enjoy the land of the latter under an agreement, express or implied, and includes his heirs and legal representatives;

(x) "Tribunal" means a Tribunal constituted under section 5;

(y) "wet land" means any land on which paddy or dufassal crops have been raised with the use of water from a Government source of irrigation in any four fashi years within a continuous period of six fashi years immediately before the specified date and includes any land irrigated by a tubewell constructed by the Government or any person.

- 9

Ceiling grea.

3. (1) The ceiling area in the case of a family unit consisting of not more than five members shall be an extent of land equal to one standard holding.

(2) The ceiling area in the case of a family unit consisting of more than five members shall be an extent of land equal to one standard holding *plus* an additional extent of one-fifth of one standard holding for every such member in excess of five, so however, that the ceiling area shall not exceed two standard holdings.

(3) The ceiling area in the case of every individual who is not a member of a family unit, and in the case of any other person shall be an extent of land equal to one standard holding.

*Explanation.*—In the case of a family unit, the ceiling area shall be applied to the aggregate of the lands held by all the members of the family unit.

4. (1) For the purposes of this Regulation, the extent of land which shall constitute a standard holding for the class of lands specified in column (1) of the Table below shall be that specified against it in column (2) thereof:

Class of land		· . ·	]	Extent of standard holding
(1)				(2)
<u> </u>		WET LAND		
1st class 2nd class	}	(Land assessed to land revenue at the rate exceeding Rs. 10 per hectare)	7.20	hectares.
3rd class		(Land assessed to land revenue at the rate exceeding Rs. 7 but not exceeding Rs. 10 per hec- tare)	8.40	hectare <b>s</b> .
4th class		(Land assessed to land revenue at the rate exceeding Rs. 4 but not exceeding Rs. 7 per hec- tare)	9.60	hectares.
5th class		(Land assessed to land revenue at the rate not exceeding Rs. 4 per hectare)	10.80	hectares.
		DRY LAND		
1st class 2nd class	}.	(Land assessed to land revenue at the rate not exceeding Rs. 3 per hectare)	21.60	) hectares

Standard holding for different classes of lands and computation.

τo

SEC. 1]

-----

ART II-

; of not

tandard

of more

rd hold.

ling for

ng area

s not a

shall be

shall be

; of the

d which ified in:

ist it in

ent of

ndard olding

(2)

ctares.

ctares.

ctares

ctares.

ctares.

# THE GAZETTE OF INDIA EXTRAORDINARY

and the second second

Explanation .-- For the purpose of this section, "class" means the class of the land as determined by the Deliberation dated 5th December, 1925 and enforced by the Arrete dated 16th April, 1926.

(2) In computing the holding of a person or family unit, consisting of lands of different classes, the relative proportion of the extent of land of each such class to the extent of a standard holding of the appropriate class shall be taken into account in the manner prescribed and the aggregate of all such proportions shall be deemed to be the holding of the person or the family unit, in relation to the ceiling area.

(3) In computing the holding of an individual who is not a member of a family unit, but is a member of a joint family, the share of such an individual in the lands held by the joint family shall be taken into account and aggregated with the lands, if any, held by him separately and for this purpose, such share shall be deemed to be the extent of land which would be allotted to such individual had there been a partition of the lands held by the joint family.

(4) In computing the holding of the member of a family unit who is also a member of a joint family, the share of such member in the lands held by the joint family shall be taken into account and aggregated with the lands, if any, held by him separately and for this purpose, such share shall be deemed to be the extent of land which would be allotted to such member, had there been a partition of the lands held by the joint family.

(5) Where an individual or a member of the family unit is a member of a co-operative society, or firm, the share of such individual or member of a family unit in the land held by such co-operative society or firm shall also be included in the holding of the individual or member of the family unit, as the case may be, and for this purpose the share of the land so held shall be deemed to be the extent of the land which would have been allotted to him on a winding up of the co-operative society or dissolution of the firm.

(6) Lands owned or held under a private trust shall,-641

. An (a) in a case where the trust is revocable by the author of the <sup>©</sup> trust, be deemed to be held by such author or his successor-in-interest; and

(b) in other cases, be deemed to be held by the beneficiaries of the trust in proportion to their respective interests in such trust, or the income derived therefrom.

Explanation.-Where a trust is partly private and partly public, this sub-section shall apply to lands covered by that part of the assets of the trust which is relatable to the private trust.

5. (1) The Government may, by notification, constitute a Tribunal for the purposes of this Regulation.

Constitution of a Tribunal.

(2) The Tribunal constituted under sub-section (1) shall consist of one person who holds or has held the post of a Deputy Collector or that of a District Munsif or is qualified to hold the post of a District Munsif or holds or has held a civil post under the Government, not below the rank of a Deputy Collector,

[PART II-

Special provision in respect of certain transfers, etc., already made.

6. (1) Where on or after the 24th January, 1971 but before the notified date, any person has transferred whether by way of sale (other than a bona fide sale under a registered deed for valuable consideration), gift, usufructuary mortagage, exchange, settlement, surrender or in any other manner whatsoever, any land held by him or created a trust of any land held by him, then, the burden of proving that such transfer or creation of trust has not been effected in anticipation of, and with a view to avoiding or defeating the objects of, this Regulation shall be on such person, and where he has not so proved, such transfer or creation of trust, shall be disregarded for the purpose of the computation of the ceiling area of such person.

(2) Where at any time within a period of five years before the notified date, any person has converted any agricultural land held by him into a non-agricultural land, then, the land so converted shall be deemed to be agricultural land on the notified date for the purpose of this Regulation.

(3) Where on or after the 24th January, 1971, but before the notified date,---

(a) any declaration of dissolution of marriage has been made by a court on an application made on or after the 24th January, 1971; or

(b) any other dissolution of marriage in accordance with any law or custom has taken place,

then, the land held by each spouse immediately before the date of such dissolution shall, for the purposes of this Regulation, be deemed to be land held on the notified date by the family unit of which they were members immediately before such dissolution.

(4) Where on or after the 24th January, 1971, but before the notified date, any person has been given in adoption, then, the land held by such person immediately before the date of such adoption shall, for the purposes of this Regulation, be deemed to be held on the notified date by the family unit of which he was a member immediately before such adoption.

(5) In every case referred to in sub-section (3) or sub-section (4), the computation of the ceiling area shall first be made in respect of the family unit referred to in the said sub-section, and after the surrender of the land held in excess of the ceiling area by such family unit, the remaining land held by such divorced spouse or adopted person, as the case may be, shall be included in the holding of such divorced spouse or adopted person, whether as an individual or as a member of a family unit of which such spouse or person has become a member.

(6) If any question arises,—

(a) whether any transfer or creation of a trust effected on or after the 24th January, 1971 had been effected in anticipation of, and with a view to avoiding or defeating the objects of, this Regulation; or

(b) whether any conversion of agricultural land into non-agricul, tural land had taken place within a period of five years before the notified date; or

(c) whether any dissolution of a marriage had taken place on or after the 24th January, 1971 but before the notified date either on an application made on or after the 24th January, 1971, or in accordance with any law or custom: or

SEC. 1]

Si no

e

g

з,

or

ıd

or

ılti-

or

an

(d) whether any person had been given in adoption on or after the 24th January, 1971, but before the notified date;

such question shall be determined by the Tribunal, after giving an opportunity of being heard to the affected parties, and its decision thereon shall, subject to an appeal and a revision under this Regulation, be final.

(7) If the Tribunal decides that any transfer or creation of trust had been effected in anticipation of, and with a view to avoiding or defeating the objects of this Regulation and if as a result of such transfer or creation of trust, the holding of the person or the family unit, that remains on the notified date, does not exceed the extent of land that he or the family unit is liable to surrender, then, the Tribunal shall treat the entire holding thus left over as the extent of land to be surrendered under the provisions of this Regulation by the person or the family unit, as the case may be.

7. (1) Every person, whose holding on the notified date together with any land transferred by him on or after the 24th January, 1971, whether by way of sale (other than a bona fide sale under a registered deed for valuable consideration), gift, usufructuary mortgage, exchange, settlement, surrender or in any other manner whatsoever and any land in respect of which a trust has been created by him on or after the 24th January, 1971, exceeds the specified limit, shall, within thirty days from athe notified date or within such extended period as the Government may notify in this behalf, furnish a declaration in respect of his holding "together with such land, to the Tribunal containing such particulars and "in such form as may be prescribed.

Explanation I.—Where the land is held or is deemed to be held by a minor or lunatic or an idiot or other person subject to like disability, not being a member of the family unit, the declaration shall be furnished by the guardian, manager or other person in charge of the property of such person; and where the land is held or is deemed to be held by a company, firm, association or other corporate body, the declaration shall be furnishied by any person competent to act for such company, firm, association or deorporate body in this behalf.

Explanation II.--Where the land is held or is deemed to be held by a family unit, the declaration shall be furnished by a person in management of the property of such family unit and the declaration so furnished shall the binding on all the members of the family unit:

Provided that the Tribunal shall, in the event of a dispute as to the bideclaration furnished by the person in management, give to the other imembers of the family unit an opportunity of making their representations or of adducing evidence, if any, in respect of such declaration and shall consider such representations and evidence before determining the ceiling area under this Regulation.

Explanation III.-In this sub-section, "specified limit" means,---

(a) in the case of wet land -7.20 hectares (18 acres);

(b) in the case of dry land—18.00 hectares (45 acres);

and for the purpose of computing the specified limit in a case where the holding of any person includes both wet land and dry land, one hectare of wet land shall be deemed to be equal to two and one-half hectares of dry land.

Declaration of holding

[PART II---

(2) Without prejudice to the provisions of sub-section (1), the Tribunal shall have power to issue notice requiring any person holding land or residing within its jurisdiction who, it has reason to believe, holds or is deemed to hold land in excess of the ceiling area to furnish a declaration of his holding, or that of his family unit, under sub-section (1), within such period as may be specified in the notice not being less than fifteen days from the date of its communication, and such person shall furnish the declaration accordingly.

(3) If any person who is liable to furnish a declaration under subsection (1) or sub-section (2) fails to furnish the declaration within the specified time, the Tribunal may obtain the necessary information in such manner as may be prescribed.

8. The Tribunal shall, on receipt of the declaration furnished or information obtained under section 7, publish the same, and make an inquiry, in such manner as may be prescribed, and pass orders determining whether the person holds or is deemed to hold on the notified date an extent of land in excess of the ceiling area and if so, the extent of land so held in excess as on that date.

*Explanation.*—Save as otherwise provided in this Regulation, in the case of a family unit, the number of members of the family unit shall be reckoned with reference to the notified date.

9. (1) If the extent of the holding of a person is in excess of the ceiling area, the person shall be liable to surrender the land held in excess.

(2) The Tribunal shall serve on every person, who is liable to surrender the land held in excess of the ceiling area under sub-section (1), a notice specifying therein the extent of land which such person has to surrender and requiring him to file a statement within such period not being less than fifteen days, as it may fix, indicating therein, full particulars of the lands which such person proposes to surrender.

(3) If the person on whom a notice is served under sub-section (2), files the statement referred to in that sub-section within the period fixed therefor, and the Tribunal is satisfied, after making such inquiry as it deems fit, that the proposed surrender of the land is in accordance with the provisions of this Regulation, it shall pass an order approving the surrender and the said land shall thereupon be deemed to have been surrendered by such person.

(4) If the person on whom a notice is served under sub-section (2) does not file the statement referred to in that sub-section within the period fixed therefor or files such statement within the period fixed but does not specify therein the entire extent of land which such person has to surrender, the Tribunal may, after giving an opportunity to the person concerned of being heard, itself select, in the former case the entire extent, and in the latter case, the balance of the extent which such person has to surrender, and pass an order to that effect, and thereupon the said land or balance of land, as the case may be, shall be deemed to have been surrendered by such person.

(5) (a) Notwithstanding anything in this section, it shall be open to the Tribunal to refuse to accept the surrender of any land-

(i) which has been converted into non-agricultural land and has been rendered incapable of being used for purposes of agriculture;

Determination of ceiling area.

Surrender of land in certain cases.

(ii) the surrender of which is not acceptable on account of a dispute as to the title to the land or an encumbrance on the land or on account of the land being in the possession of any person mentioned in sub-clause (ii) or sub-clause (v) of clause (m) of section 2 or on account of the land proposed to be surrendered becoming inaccessible by reason of its severance from the remaining part of the holding;

15

and the Tribunal shall, in every such case, serve a notice on the person concerned requiring him to surrender any other land in lieu thereof; and thereupon the provisions of sub-sections (3) and (4) shall, *mutatis mutandis*, apply to such surrender:

Provided that where the land proposed to be surrendered under this section is burdened with a mortgage, the Tribunal may, on an application made by the mortgagor with the consent of the mortgagee, by order, transfer such mortgage from the land so proposed to be surrendered to the residuary holding of the mortgagor or to any part thereof.

(b) Where the land so surrendered under clause (a) is also not acceptable to the Tribunal, the Tribunal shall, after giving an opportunity to the person concerned of being heard, select any other land in lieu thereof, and thereupon, the said land shall be deemed to have been surrenderd by such person.

(6) Before passing an order under sub-section (3) or sub-section (4) or sub-section (5), the Tribunal shall publish the particulars of the land proposed to be surrendered or selected, in such manner as may be prescribed and consider the objections, if any, received in pursuance of such publication.

Explanation I.-In the case of a surrender of land of a family unit,-

(a) where the extent to be surrendered by each member is agreed upon by or on behalf of all the members of the family unit, the extent surrendered by each such member shall be in accordance with such agreement, so however, that the extent surrendered by any female member of the family unit shall not exceed the extent which she would be liable to surrender in proportion to the total land held by her to the lands held by all the members of the family unit;

(b) where there is no such agreement, the extent surrendered shall be in proportion to the lands held by each member of the family unit;

(c) where any land is held in the name of any female member of the family unit, it shall be presumed, unless the contrary is proved, that such female member is the owner of such land.

Explanation II.—Where any person surrenders any land being the whole or part of his share of the land held by a co-operative seciety or firm, the share of such person in such co-operative society, or firm, as the case may be, shall, to the extent required for such surrender, be deemed to have been correspondingly reduced.

Explanation III.—Where any person required to surrender any land under this Regulation is a member of a co-operative society or firm, he may be required to surrender the land, if any, held by him separately and may then be required to surrender from his share of the land held by the co-operative society, or firm only to make up the deficiency.

SEC. 1]

PART II-

Explanation IV.—Where it is proposed to accept the surrender by any person of his share of the lands held by a joint family, co-operative society or firm of which he is a member, the lands so surrendered shall be selected in accordance with any agreement that may be arrived at between such person and the other members of such joint family, co-operative society or firm, and where there is no such agreement, the share of such person in the lands so held shall, as far as practicable, be determined *pro rata* with reference to each class of land held by such joint family, cooperative society or firm.

10. Where any land is surrendered or is deemed to have been surrendered under this Regulation by an owner, the Tribunal may, subject to such rules as may be prescribed, by order take possession or authorise any officer to take possession of such land which shall thereupon vest in the Government free from all encumbrances from the date of such order:

Provided that any claim or liability enforceable against that land immediately before the date of vesting in the Government may be enforced only—

(i) against the amount payable under this Regulation in respect of such land; and

(ii) against any other property of the owner;

to the same extent to which such claim or liability was enforceable against that land or other property, as the case may be, immediately before the date of vesting.

Explanation.—Nothing in this section shall affect the provisions of any law, custom, usage or agreement relating to right of easement available for any land vesting in the Government under this section over any other land.

11. (1) Where any land is surrendered or is deemed to have been surrendered under this Regulation by any usufructuary mortgagee or tenant, the possession of such land shall, subject to such rules as may be prescribed, revert to the owner.

(2) The owner to whom the possession of the land reverts under sub-section (1) from an usufructuary mortgagee shall be liable to pay the mortgage money due to the usufructuary mortgagee in respect of that land with interest at the rate of six per cent. per annum from the date of such reversion, and the said land shall continue to be the security for such payment.

(3) The owner to whom the possession of the land reverts under sub-section (1) from a tenant shall be entitled to receive from the tenant rent due for the period ending with the last crop harvested by such tenant.

(4) Where any land is surrendered or is deemed to have been surrendered under this Regulation by any limited owner or by any person in possession by virtue of a mortgage by conditional sale or through a part performance of contract for sale or otherwise, the possession of such land shall, subject to such rules as may be prescribed, revert to the owner.

(5) The owner to whom the possession of the land reverts under sub-section (4) shall be liable to discharge the claim enforceable against

Vesting of land surrendered.

Reversion and vesting of land surrendered.

the land by the limited owner or person in possession; and the land surrendered shall, if held as a security, continue to be the security.

(6) Notwithstanding anything contained in this section, where any land surrendered by an usufructuary mortgagee or a tenant or a limited owner or a person in possession referred to in sub-section (4), is also a land surrendered by the owner, the provisions of section 10 shall apply.

12. (1) The lands vested in the Government under this Regulation shall be allotted for use as house-sites for agricultural labourers, village artisans or other poor persons owning no houses or house-sites, or transferred to the weaker sections of the people dependent on agriculture for purpose of agriculture or for purposes ancillary thereto, in such manner as may be prescribed:

Disposal of land vested in Government.

17

Provided that, as far as may be practicable, not less than one-half of the total extent of land so allotted or transferred shall be allotted or transferred to the members of the Scheduled Castes and such of the categories of the weaker sections as may be prescribed by the Government.

(2) Every person, to whom the land has been allotted for use as house-site or transferred for the purpose of agriculture or for purposes ancillary thereto, shall pay to the Government the value of the land within a period of fifteen years from the date of allotment or transfer or within a shorter period at his option, and in such instalments as may be prescribed, and on payment of the entire amount such person shall be granted a patta in respect of that land:

Provided that such price shall, in no case, be less than the amount paid by the Government for the vesting of such land under this Regulation.

Explanation.—Where any land transferred under sub-section (1) contains any fruit-bearing trees or permanent structures, the transferee shall also be liable to pay the value of such trees or structures calculated in such manner as may be prescribed.

(3) Where any person fails to pay the sum referred to in sub-section (2) or any instalment thereof, the Deputy Collector (Revenue) may, subject to such rules as may be prescribed, resume the land after giving an opportunity to the person concerned of making a representation in this behalf and the amount already paid by such person to the Government shall be liable to be forfeited to the Government.

(4) Any transfer of the land under this section shall be subject to-

(i) the condition that the land shall not be alienated by the transferee by way of sale, gift, mortgage, lease or in any manner whatsoever otherwise than by way of mortgage in favour of the Government, a bank or a co-operative society, including a land mortgage bank; and

(ii) such other conditions as may be prescribed.

(5) Any alienation effected or other act done in respect of any land in violation of the conditions specified in sub-section (4) shall be null

SEC. 1]

[PART II-

and void; and the Deputy Collector (Revenue) shall resume the land after giving an opportunity to the persons affected of making a representation in this behalf.

(6) Notwithstanding anything in this section, the Government may-

(i) lease out any land vesting in them under this Regulation for such purposes and on such terms and conditions as may be specified by them; or

(*ii*) reserve such land for any common use or benefit of the community.

13. The amount payable for any land vested in the Government under this Regulation shall be a sum calculated at the rates specified in the Schedule and it shall be paid in such manner as may be prescribed.

14. (1) The Tribunal shall, after giving the persons known or believed to be interested in the land vested in the Government an opportunity of being heard, determine the amount payable under section 13 and publish a notification containing particulars of the land so vested and the amount payable therefor.

(2) Any person having an interest in the said land may file a claim for the amount due to him from out of the amount payable, within thirty days from the date of publication of the notification and the Tribunal shall, after making an inquiry into the validity of the claim, determine the persons who, in its opinion, are entitled to payment from out of the said amount and the amount to which each of them is entitled and subject to such rules as may be prescribed, make payments in accordance with such determination.

15. (1) No person whose holding, and no member of a family unit, the holding of all the members of which in the aggregate, is in excess of the ceiling area as on the 24th January, 1971 or at any time thereafter, shall, on or after the notified date, alienate his holding or any part thereof by way of sale, lease, gift, exchange, settlement, surrender, usufructuary mortgage or otherwise, or effect a partition thereof, or create a trust or convert an agricultural land into non-agricultural land, until he or the family unit, as the case may be, has furnished a declaration under section 7 and the extent of land, if any, to be surrendered in respect of his holding or that of his family unit has been determined by the Tribunal and an order has been passed by the Tribunal under this Regulation taking possession of the land in excess of the ceiling area and a notification is published under section 14; and any alienation made or partition effected or trust created in contravention of this section shall be null and void and any conversion so made shall be disregarded.

(2) For the purposes of determining whether any transaction of the nature referred to in sub-section (1) took place on or after the notified date, the date on which the document relating to such transaction was registered shall, notwithstanding anything in section 47 of the Registration Act, 1908, be deemed to be the date on which the transaction took place, whether such document was registered within or outside the Union territory of Pondicherry.

Amount payable for lands vested in the Government. Claims for the amount payable.

Prohibition of alienation of holding. 18

16 of 1908.

(3) The provisions of sub-section (1) shall apply to any transaction of the nature referred to therein in execution of a decree or order of a givil court or of any award or order of any other authority.

 $f_6$ . Where on or after the notified date there takes place—

(a) any acquisition in any manner whatsoever, usufructuary mortgage, or lease of any land; or

(b) any marriage or adoption; or

SEC. 1]

of 1908

(c) any alteration in the classification of the land;

and after such acquisition, usufructuary mortgage, lease, marriage, adoption or alteration, the total extent of land held by any person or by all the members of any family unit in the aggregate exceeds the ceiling area such person or family unit shall, within a period of sixty days from the date of such acquisition, usufructuary mortgage, lease, marriage, adoption or alteration, furnish a declaration of the holding of such person or family unit to the Tribunal; and all the relevant provisions of this Regulation shall apply as if it was a declaration furnished under section 7.

*Explanation I.*—For the purpose of this section, the number of members of a family unit shall be reckoned with reference to the date of such acquisition, usufructuary mortgage, lease, marriage, adoption or elteration, as the case may be.

Explanation II.—For the purpose of the application of the provisions of sections 8 and 15, the expression "notified date" shall be construed as the date of acquisition, usufructuary mortgage, lease, marriage, adopthe or alteration, as the case may be.

**Explanation** III.—For the removal of doubts, it is hereby clarified that no declaration under this section need be furnished where the total extent of land held by all the members of a family unit in the aggregate exceeds the ceiling area solely on account of any reduction in the numter of members of the family unit.

Explanation IV.—Where a land surrendered by a family unit under his Regulation is land held by a joint family, it shall be open to the members of the family unit and other members of the joint family to partition the land remaining with such joint family after such surrender and if such family unit comes to hold land in excess of the ceiling area solely on account of such partition, such family unit shall not be required to furnish a fresh declaration under this section and the relevant provisions of this Regulation applicable to a family unit holding land in excess of the ceiling area shall not apply to such family unit.

17. (1) Notwithstanding anything in the Registration Act, 1908, every person presenting before a registering officer appointed under the said Act, for registration on or after the notified date, any document relating a alienation of any land or creation of a trust in respect of any land shall, at the time of such presentation, furnish a declaration in duplicate by the transferor making the alienation, or creating the trust, to the effect that the holding of the transferor does not exceed the ceiling rea, and in a case where such transferor is a member of a family unit, that the holdings of all the members of such family unit in the aggrestate do not exceed the ceiling area.

Declaration to be furnished before registering officer.

Declaration of future acquisition.

[PART II-

(2) The declaration mentioned in sub-section (1) shall be in such form and contain such particulars as may be prescribed.

(3) On or after the notified date, no registering officer shall accept for registration any document relating to the alienation, or the creation of any trust, of any land, if the document is not accompanied by the declaration mentioned in sub-section (1).

(4) The registering officer shall, as soon as may be after the date of registration of the document, forward one copy of the declaration referred to in this section to the Deputy Collector (Revenue) and on receipt of such copy, the Deputy Collector (Revenue) may obtain such information as may be necessary for verifying as to the correctness of the statements contained in the declaration.

(5) Every village Karnam and every officer of the Revenue, Registration or Survey and Settlement Department of the Government, shall report to the Deputy Collector (Revenue) any information which they may receive of transactions in respect of any land made in contravention of any of the provisions of this Regulation and on receipt of such information the Deputy Collector (Revenue) may verify the correctness of the same.

(6) Where it appears to the Deputy Collector (Revenue) as a result of verification under sub-section (4) or sub-section (5) or in any other manner that a transaction has taken place in contravention of the provisions of this Regulation he shall, after giving an opportunity of making representation to the parties likely to be affected and holding such inquiry as he may consider necessary, by order, determine whether or not the transaction is in contravention of the provisions of this Regulation; and where any transaction is so determined to be in contravention of the said provisions, it shall be null and void.

18. (1) The Government may, by notification, constitute an Appellate Tribunal for the purpose of hearing appeals under this Regulation.

(2) The Appellate Tribunal shall consist of not more than three members of whom one shall be a person who holds or has held or is qualified to hold the post of a District Judge and such person shall be the Chairman of the Tribunal.

(3) The Appellate Tribunal shall meet at such times and places as it thinks fit and shall regulate its own procedure.

Appeal.

Constitution of

Appellate

Tribunal.

19. (1) An appeal shall lie against an order passed by the Tribunal or the Deputy Collector (Revenue) to the Appellate Tribunal within thirty days from the date of communication of the order, and the Appellate Tribunal shall pass such orders on the appeal as it deems fit and such order shall, subject to any revision under section 20, be final:

Provided that the Appellate Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where the Government are aggrieved by an order passed by the Tribunal or Deputy Collector (Revenue), they may file an appeal to the Appellate Tribunal against that order.

20. An application for revision from any party aggrieved, including the Government, shall lie to the High Court, within the prescribed period, from any order passed on appeal by the Appellate Tribunal on any of the following grounds, namely:—

THE GAZETTE OF INDIA EXTRAORDINARY

(a) that it exercised a jurisdiction not vested in it by law, or

(b) that it failed to exercise a jurisdiction so vested, or

(c) that it acted in the exercise of its jurisdiction illegally or with material irregularity.

21. (1) The Appellate Tribunal, the Tribunal, the Deputy Collector (Revenue) and any officer authorised by the Tribunal or Deputy Collector (Revenue) to exercise any powers under this Regulation shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, for summoning and enforcing the attendance of any person and examining him on oath and for requiring production of any document.

Power of authorities under this Regulation.

Revision.

21

(2) The Appellate Tribunal, the Tribunal, the Deputy Collector (Revenue) or any officer authorised by the Tribunal or Deputy Collector (Revenue) in this behalf may, at any time, enter upon any land but not a dwelling house, with such officers or other persons as it or he considers necessary and make a survey and take measurements thereof or do any other act which it or he considers to be necessary for carrying out any of the provisions of this Regulation.

(3) The Tribunal or any officer authorised by it to take possession of any land vesting in the Government under this Regulation may, while taking such possession, remove any obstruction that may be caused or offered thereto and may for that purpose use such force as may be necessary.

22: Nothing in this Regulation shall apply to the following lands, namely: —

Exemptions.

(a) lands held by the Central Government or any State Government or any local authority:

(b) lands held by religious, charitable or educational institutions (including wakfs) of a public nature existing on the date of commencement of this Regulation;

(c) lands held by an undertaking owned, controlled or managed

(i) a Government company as defined in section 617 of the Companies Act, 1956;

(*ii*) a corporation established by or under a Central, Provincial or State Act, which is controlled or managed by a State Government or the Central Government;

(d) lands held by—

**的**组合社会

an in the second second

 $\mathbf{S}^{(j,N)}$  .

a strain

as a further

AND A PARTY S

(i) such co-operative farming societies of weaker sections of the people as may be approved by the Government in this behalf, which approval the Government may, for good and sufficient reason, withdraw at any time;

cept ition

the

e of

efer-

:eipt :ma-

tate.

egis-

ient,

hich

itra-

cor-

sult

ther

ovi-

king uiry

the

and

said

late

iree

r is

| be

inal

thin

pel-

and

fter

the

in

the

to

of

II-

\_\_\_\_

such

gec. 1]

[PART II-

(*ii*) other co-operative societies including land mortgage banks;

(e) lands held by a bank;

(f) lands in any area notified by the Government in this behalf as required for acquisition in connection with any major irrigation, power, industrial or other project under construction as on the date of the commencement of this Regulation:

Provided that where any of the lands specified in clause (a), (b), (c), (d) or (e) are held by any person other than the authority, institution, body corporate or society specified in such clause, whether as a tenant or usufructuary mortgagee or otherwise, the provisions of this Regulation shall apply to such person in respect of such land:

Provided further that the exemptions under sub-clause (i) of clause (d) and clause (e) shall be available only in respect of the lands acquired by such co-operative societies or banks in pursuance of the recovery of their dues:

Provided also that the exemption under sub-clause (i) of clause (c) shall be available only in respect of such part of the land as may be relatable to the share held by a State or the Central Government in such Government company, and for this purpose, the share of the land so relatable shall be deemed to be the extent of the land which would have been allotted to the said Government on a winding up of the company.

Penalty.

23. (1) If any person, who is liable to furnish a declaration under this Regulation wilfully and without reasonable cause or excuse, fails to furnish the declaration within the period prescribed or specified therefor by or under this Regulation or furnishes any declaration which he knows or has reason to believe to be false, incorrect or incomplete, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(2) If any person wilfully and without reasonable cause or excuse, <u>contravenes</u> any other provisions of this Regulation or of any rules made or orders issued thereunder, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(3) If any village Karnam, or any officer of the Revenue, Registration or Survey and Settlement Department of the Government wilfully and without reasonable cause or excuse fails to report to the Deputy Collector (Revenue) any information which he may receive of any transaction in respect of any land made in contravention of any of the provisions of this Regulation, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(4) No court shall take cognizance of an offence punishable under this Regulation except with the previous sanction of the Collector, which sanction shall be accorded subject to such rules as may be prescribed.

[PART II-

SEC. 1]

mortgage

1 this bemajor irri. tion as on

(a), (b), y, instituther as a is of this

se (ii) of the lands ce of the

lause (c) : may be t in such land so uld have ompany.

1 under use, fails specified in which plete, he xtend to or with

excuse, rules nprisonch may

egistrawilfully Deputy of any of the onment lay ex-

under llector, e presTHE GAZETTE OF INDIA EXTRAORDINARY

24. (1) No suit, prosecution or other legal proceedings shall lie against any person, officer or authority for anything which is in good taith done or intended to be done in pursuance of this Regulation or any rules made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused or for any injury suffered or likely to be suffered, by virtue of any provision of this Regulation, or for anything which is in good faith done or intended to be done in pursuance of this Regulation or any rules made thereunder.

25. Save as otherwise provided in this Regulation, no order passed or Bar of proceeding taken by an officer or authority under this Regulation shall jurisbe called in question in any court, in any suit or application and no injunction shall be granted by any court in respect of any action taken or to be taken by such officer or authority in pursuance of any power conferred by or under this Regulation.

26. (1) The Government may, by notification, make rules to carry wout all or any of the purposes of this Regulation.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the form in which a declaration under sub-section (1) of section 7 may be furnished and the particulars which such declaration shall contain;

(b) the manner in which information regarding lands in excess of the specified limit may be obtained under sub-section (3) of section 7:

(c) the manner in which an inquiry may be made under section 8:

(d) the circumstances under which lands surrendered or deemed to have been surrendered by usufructuary mortgagee or tenant shall revert to the owner under sub-section (1) of section 11;

(e) the manner of allotment under sub-section (1) of section 12 of lands vested in the Government;

(f) the instalments in which the value of the land may be paid to the Government under sub-section (2) of section 12;

(g) the circumstances under which lands may be resumed under sub-section (3) of section 12;

(h) the value of the court fee stamps to be affixed on an appeal under section 19;

(i) any other matter which has to be or may be prescribed.

(3) Every rule made under this Regulation shall, as soon as may be after it is made, be laid before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in "One session or in two or more successive sessions, and if, before the expiry of the session, in which it is so laid or the sessions aforesaid, the Protection of action taken under this Regulation.

diction

Power to make rules.

[PART II----

Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

27. The provisions of this Regulation shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or any custom, usage or agreement or decree or order of a court, tribunal or authority.

28. If any difficulty arises in giving effect to the provisions of this Regulation, the Government may, by general or special order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Regulation, as appear to them to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of two years from the notified date.

# THE SCHEDULE

#### (See section 13)

1. The amount payable to any person under section 13 in respect of any land vested in the Government under this Regulation shall be determined in the manner hereinafter specified.

2. A sum equivalent to the net annual income from the land shall be determined in the first instance.

3. The net annual income from the land shall be the amount of fair rent less the land revenue.

Explanation.—In this Regulation "land revenue" means the land revenue payable as per the Deliberation dated 5th December, 1925 enforced by the Arrete dated 16th April, 1926 and includes 50 per cent. surcharge thereon and centimes additionals, and charge for water, if any:

Provided that in the case of any land in respect of which no land revenue is payable, the land revenue in respect of such land shall be the same as the land revenue payable for similar land in the vicinity.

4. The fair rent shall be the aggregate of-

(a) (i) in the case of wet land, 40 per cent. of the average grossproduce or its value in money;

(ii) in the case of wet land, the irrigation of which is supplemented by lifting water, 35 per cent. of the average gross produce or its value in money;

(iii) in the case of land on which crops, which do not give any yield within a period of one year from the time of cultivation, are cultivated, 40 per cent. of the average gross produce or its value in: money;

tion to override other laws.

Regula-

Power to remove difficulties.

(iv) in the case of any other class of land, 33-1/3 per cent of the average gross produce or its value in money:

Provided that in the case of lands referred to in items (ii) and (iv) for the cultivation of which water is lifted by pump-set installed at the cost of the land-owner, the fair rent shall be increased to 40 per cent.

Explanation I.-In this paragraph, "average gross produce",-

(i) in respect of a land cultivated with any crop which does not give any yield within a period of one year from the time of cultivation, means the gross produce for one year if the land were cultivated with paddy;

(ii) in respect of a land cultivated with any other crop, means the produce which would be obtained for one year from a land of the same class as the land in question similarly situated and possessing similar advantages if the rainfall and the seasons were normal.

Explanation II.--In the case of land on which different crops are cultivated at different times on different portions of the land, the fair rent shall be calculated with reference to-

(a) the actual crops ordinarily cultivated according to the ordinary rotation of crops in the area in which such land is situated; and

(b) the value of one-fifth of straw or stalk of all the crops cultivated on the land in an agricultural year.

5. In the case of land cultivated by the owner, the fair rent shall be the fair rent as calculated in the manner specified in paragraph 4 in respect of a land of the same class as the land in question, similarly situated and possessing similar advantages.

6 The amount payable for the land vested in the Government under this Regulation, which in no case shall exceed five thousand rupees per standard hectare, shall be determined in accordance with the 

(i) for the first sum of Rs. 5,000 or any portion thereof of the net annual income from the land, ten times such sum or portion;

(ii) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, nine times such sum or portion;

(iii) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, eight times such sum or portion;

(iv) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, seven times such sum or portion;

(v) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, six times such sum or portion;

(vi) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, five times such sum or portion;

(vii) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, four times such sum or portion;

**rule**: such

SEC. 1]

that ⊢ the -

----

tandbeing of a

this lished the )r ex-

of n

ect of all beiall be

of fair

nd reen⊷ it. surany:

land iall be cinity.

e gross.

suppleproduce.

ive any on, are alue in a

## THE GAZEFTE OF INDIA EXTRAORDINARY "[FART II-SEC. 1]

(off) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, three times such sum or portion;

ba (ix) for the balance of the net abriual income from the land, two las times such beausers of being a being rely who not avidue and the Explanation.—In this paragraph "standard hectare" means,—

(a) in the case of wet land

Bergerth State Lagran 14

:35

9

(i) 1.20 hectares of wet land assessed to land revenue at a 2640 rate exceeding Rs. 10 per hectare;

(ii) 1.40 hectares of wet land assessed to land revenue at a rate exceeding Rs. 7 but not exceeding Rs. 10 per hectare;

(iii) 1.60 hectares of wet land assessed to land revenue at a rate exceeding Rs. 4 but not exceeding Rs. 7 per hectare;

(iv) 1.80 hectares of wet land assessed to land revenue at a rate not exceeding Rs. 4 per hectare;

(o) in the case of dry land, 3.60 hectares of dry land assessed to land revenue at a rate not exceeding Rs. 3 per hectare.

7. (a) The amount payable for any building, machinery, plant, apparatus, wells, filter points or power lines vested under this Regulation shall be the written down value determined in accordance with the provisions of the Income-tax Act, 1961, of such building, machinery, 43 of plant, apparatus, wells, filter points or power lines, on the date of the order made under section 10. したいたいに 夏越ら きり ゆき きょうぎ ヨー

(b) The amount payable for any tree shall be the value of such free on the date of the order made under section 10.

8. The amount payable shall be the aggregate of the amount as calculated under paragraphs 6 and 7 in respect of the land concerned.

FAKHRUDDIN ALL AHMED,

A destroy going a day a react for the case of President.

of Male and Lake

(Shellow due naxt, surf of Ray 5,000 of the pair and the frankate of

K. K. SUNDARAM, Secy. to the Good of India.

an san in the second states and states and she was the second states and the with the second line with the line with the second bounded of with the next sector of 1 2 300 with any participant of the is analy of a life fand and his hand all man sender I have a latter

to herback unitary and the goal to the source of and the source of the s nomice to know dura shimil and shift of the state to said

HANTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO, ROAD, NTW DECHI AND PULLTSHED BY THE CONTROLLER OF PUBLICATIONS, DECHI 1977

## Tarei Ho W-(1)-72 MANICSOATTY REGISTERED No. D-D)

inserted, no 26

We will be the

Ministeriar, friedry sole of second lina. is our rel anishing ((d) " hoursbawanar CAT N The Gazette of India

of

on;

wo

20

305

a

a

а

a

a''

3

M

Ŕ.

43 of 196

nain

251 - S. O.

2.8

manapar A CONTRACT set your actionizes done dolaw activity that weat have been metale EXTRAORDINARY course has belance Said of Manualab to भाग II---- सण्ड 1

#### an due of hereiner PART IL-Section 1 John hereiner belt ele R and the second this little losade(t) (C) प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

-bristeria in the tak .27 deglema

अधिमाई विस्ती, सोमवार, फरवरी 77 1977/मार्थ 48, 18 98 विमालका का ₩o 11 No. 11] NEW DELHI, MONDAY, PEBRUARY 7, 1977/MAGHA 18, 181

इस मान की जिन्म पृष्ठ संख्या ही जाती हैं जिससे कि यह असना सकसन के रूप ही सेवा था सके। Separate paging is given to this Part in order that it may be also as a separate compliation 1930291

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 7th February, 1977/Magha 18, 1898 (Saka) THE REGISTRATION (PONDICHERRY AMENDMENT) REGULATION, 1977

No. 2 of 1977

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

A Regulation further to amend the Registration Act, 1908, as in force in the Union territory of Pondicherry.

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 Registration (Pondicherry Regulation, 1977. Aman

(2) It extends to the whole of the Union territory of Pondicherry.

(2) It shall come into force on such date as the Administrator may, by notification in the Pondicherry Gazette, appoint.

2. In the Registration Act, 1908, as in force in the Union territory of ndicherry (hereinafter referred to as the principal Act), in section 69, in sub-section (1), after clause (b), the following clause shall be

Amendment of vection 69

Short title

Care Care

cement.

and commen-

(71)

PRIME BY THE GENERAL MANGES, GARDAN IN MILLING STREES. and with realization in the construction of availantiant A CONTRACTOR CAZETTE OF INDIA EXTRAORDINARY

#### inserted, namely:-

"(bb) providing for the grant of licences to document writers, the revocation of such licences, the terms and conditions which and the relative which such licences that he terms and conditions of or revokted the penalties for breaches of the terms and conditions of such licence, the authority by which such breaches shall be investigated, the scale of fees to be charged by document writers, the exemption of any class of document writers from the licensing provisions, the conditions subject to which such exemption may be granted, and generally for all purposes connected with the writing of documents to be presented for registration;".

Amendment of section 78

Short S

title, extent

bas

Johnna?

Amandment of section 69 3. In the principal Act, section 78 shall be renumbered as sub-section (1) thereof and, after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) The State Government, if it is of opinion that there are reasonable grounds for doing so, may, by order published in the Official Gazette, remit in the whole or any part of the Union territory of Pondicherry, any fee or fees payable in respect of any matter or matters, enumerated in clauses (a) to (i) of subfraction (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

## ("Logistation Logisticomant)

Non DAME TRATE STRUCTURE STRUCTURE IS 1898 (Sole)

## FAKHRUDDIN ALI AHMED,

President.

[PART II-SEC. 1]

: Promotyated by the Provident in due Twenty-ciginic Ven of the

A leaguiltion luttle to one of the Redenstion Act. 1908, as

These and the powers which of the second prime to the second of the second of the promulate of the second to promulate of second to promu

## K. K. SUNDARAM,

() This Despision which is a contraction (Pendicherry () )

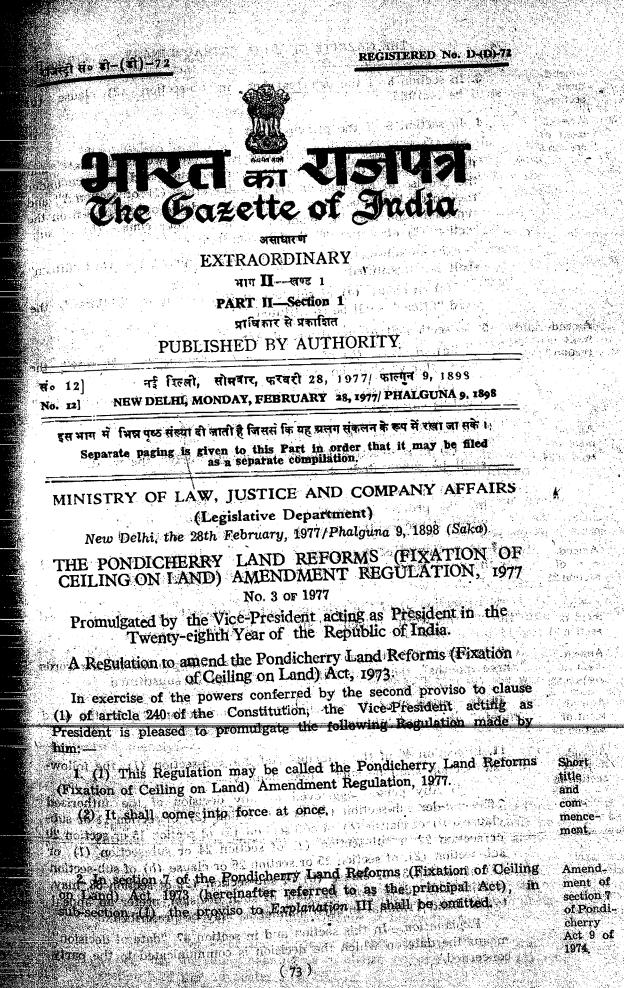
## Secy. to the Gout! of India.

(17) is seven the whole of the Union Weight's of Polydentry.

in the main administration of the dute of the Administration of the Administration of the Administration of the

 to the Registration Act, 1968, as in force in the Union forsitor, bi productory, (hine instance referred to as the principal Act), in section (b) to subjection (c) after physics (c), the following clause shall be

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1977



d

)f iie

iė.

١g

n

Ig

rė

ae

<u>–</u>

er

9, in of

10

013

lia.

Amendment of section 8. Amendment of section 9.

> nond ment of

section 21.

Amend-

ment of section 24. A Train wer

3. In section 8 of the principal Act, in sub-section (2), clause (b) shall be omitted.

4. In section 9 of the principal Act,—

(a) in clause (a) of sub-section (1), the words, brackets and figures "and on the basis of the representation and evidence under the proviso to Explanation III to sub-section (1) of section 7" and the words, brackets, letter and figures "and the orders passed on the representation and the evidence, if any, under clause (b) of subsection (2) of section 8" shall be omitted;

(b) in sub-section (5), for the word "thirty", the word "fifteen" shall be substituted; i in the state

(c) in clause (a) of sub-section. (6), for the word "thirty", the word "fifteen" shall be substituted.

5. In section 21 of the principal Act,

(a) in clause (b) of sub-section (1), for the word "ninety" the word "thirty" shall be substituted;

(b) in sub-section (2), for the word "ninety", the word "thirty" shall be substituted.

6. In section 24 of the principal Act,-

(a) in sub-section (2), for the word "thirty", the word "fifteen" shall be substituted;

(b) in sub-section (3), in sub-clause (ii) of clause (a) (including the proviso thereto), for the word "thirty" in the two places where it occurs, the word "fifteen" shall be substituted

7. In section 25 of the principal Act, in clause (b) of sub-section (1), for the word "sixty", the word "thirty" shall be substituted

8. In section 31 of the principal Act in sub-section (2), for the word "thirty", the word "fifteen" shall be substituted.

9. In section 32 of the principal Act, in the second proviso, for the words "three months", the words "fifteen days" shall be substituted

tes for which the seture 1. au sha 10. In section 39 of the principal Act, in sub-section (1), for the word "ninety", the word "thirty" shall be substituted, because to be all

11. In section 46 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:---notrue M.

'(1) Any person aggrieved by any decision of the authorised officer under sub-section (1), or sub-section (2), of section 11 or subclause (iii) of clause (a) of sub-section (3) of section 15 or section 20 or section 22 or sub-section (4) of section 24 or sub-section (1), or sub-section (2), of section 25 or section 26 or clause (b) of sub-section (3) of section 31 or clause (b) of sub-section (2) of section 68, may, within thirty days from the date of such decision, prefer an appeal to the Land Tribunal in such manner as may be prescribed.

Explanation.-In this section and in section 47, "date of decision" means the date on which the decision is communicated to the party concerned.

Amend\_ ment of

section 25. Amend\_ ment of

section 31.

Amendment of section 32.

Amend\_ ment of section 39.

Amend. ment of section 46. 的特

> -164946

> > 16.818

-basicA 5 . States \* DELEVEN 1. SOM 30 · más 5. 1 J.A. ATC:

Ċ.

**(b)** 

ind

der

and

the

ub-

en"

the

the

08

rty"

een'

lud-

ACER

(1),

vord

rords

word

13 . C.L.

ant

llow-

1

rised

sub-

on 20

), or

ction

may,

sion"

6 20120

96

12. In section 47 of the principal Act, for the word "sixty", the word thirty" shall be substituted.

13. In section 52 of the principal Act, in sub-section (1), for the words with fine which may extend to two hundred rupees", the words "with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both" shall be substituted.

14. In section 53 of the principal Act, for the words "with fine which may extend to two hundred rupees", the words "with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both" shall be substituted.

15. In section 54 of the principal Act, for the words "with fine which may extend to one thousand rupees", the words "with imprisonment of either description for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both" shall be substituted.

16. In section 55 of the principal Act, for the words "with fine not exceeding one thousand rupees", the words "with imprisonment of either description for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both" shall be substituted.

17. In section 56 of the principal Act, for the words "with fine not exceeding one thousand rupees", the words, "with imprisonment of either description for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both" shall be substituted.

18. In section 57 of the principal Act, for the words "with fine which may extend to five hundred rupces", the words, "with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupces, or with both" shall be substituted.

19. In section 68 of the principal Act, in sub-section (1), for the word "thirty", the word "fifteen" shall be substituted.

20. After section 72 of the principal Act, the following section shall be inserted, namely:—

'72A. Notwithstanding anything contained in any law for the time being in force, no party to any proceeding under this Act shall be entitled to be represented by a legal practitioner before the authorised officer:

Provided that the authorised officer may, in the interests of justice and for reasons to be recorded in writing, allow any such party to be represented by a legal practitioner at his own cost.

Explanation.—For the purposes of this section, "legal practitioner" has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961. Advocated of an arrange of the advocates act, 1961.

Amendment of section 47.

75

Amendment of section 52.

Amendment of section 53.

Amendment of section 54.

Amendment of section 55.

Amendment of section 56.

Amendment of section 57.

Amendment of section 68.

Inser-

tion of new section 72A.

Parties not to be represented by legal practitioners before the authoris. ed officer.

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

21. (1) Notwithstanding the amendment of sections 9, 21, 24, 25, 39 and 47 of the principal Act by this Regulation, where any objection or claim or return could have been preferred or furnished to the authorised officer, or where any appeal could have been preferred to the High Court against the decision of the Land Tribunal before the commencement of this Regulation but has not been so preferred or furnished before such commencement, such objection or claim or return or appeal may be preferred or furnished within the period specified in the relevant provibe. sion of the principal Act as if this Regulation had not been made.

76

Savings.

- 1 - 1 - 1 - M 2、白湖。

6.7 140

37.9 ेल्. उत्तर उन्हें

 $E^{M}$  of M and M

And the Alter

- No Service of

(2) An appeal preferred against any order or decision of the authorised officer under clause (b) of sub-section (2) of section 8, or subsection (3) or sub-section (4) or sub-section (6) of section 9, of the principal Act as it stood before the commencement of this Regulation and pending on the date of such commencement shall be heard and disposed of as if this Regulation had not been made. walling the first of the second of a second branch was shown as the second second second Gauss of the short whe many attraction over a burger of  $f_{i,i} = d_{i,i}$ 

the and alter grown and a table future star and in all and the restra in the manufact south the second transformer and the second the second second second second second second and the to susy and of build Vice-President acting as President. band the attents three drives gauge pressed and the tree of

. In the basis of the stand when the tent when the second and the stand and the standard standing of the standing of the standard standard and the standard standard standard standard An application of the standard standard standard standard standard standards and the standard standard standard Sectionalises . K. K. SUNDARAM, 1. 1.28 to toost digit and the set of last set. Secy. to the Govt. of India LABORA 他们的 Balling and a sense of the sense of the state of the sense The sense of the sense

Nors all tol (1) to Dess is in 1985 logisticate and to the bos de la alland a successful al Rada mealth such act is such SE VEAD S at the house and the for all the southing and the i hisist

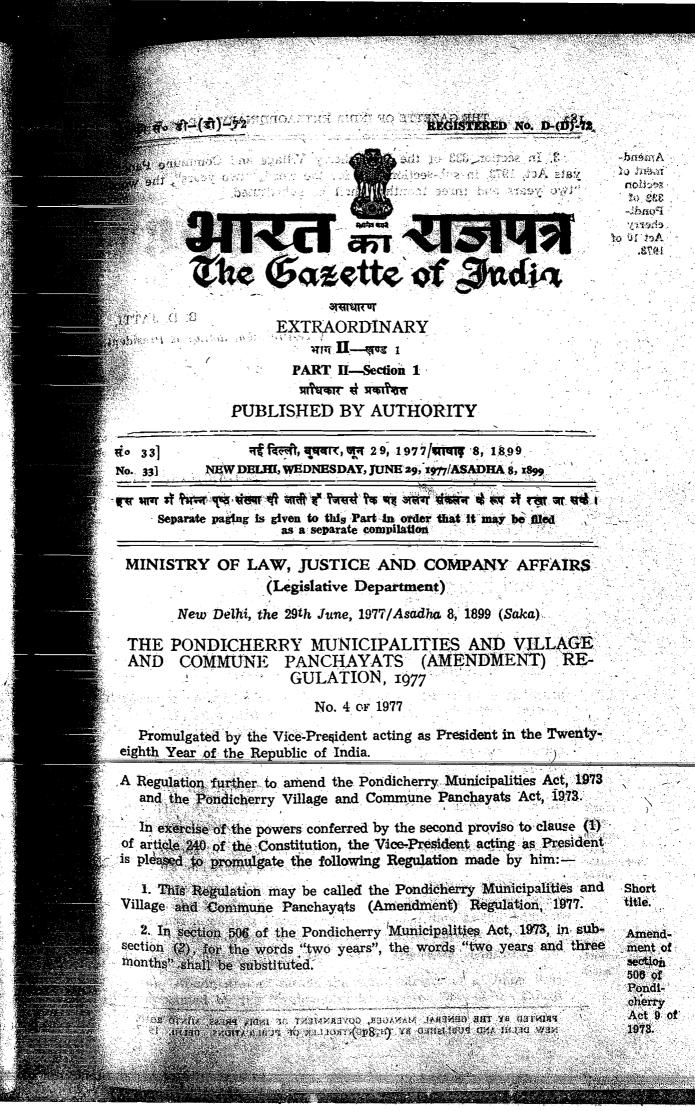
- Alagan den gebruk and the set Section 1. 1. S. S. S. S. A. 1998 - 2004 - 2007 Section 1 Soul of adams in manufactures minipute to bue all whom AUT

nes Schen which is the reaction of any recently make this that their be and the representation of the state of the second of the \*a 6\* - 1984 - 1986 and isgat **Constant** Provided that the souther set officer, and an the interests of Service the

A FIGHT struct distances walls, and in the best of all shown on show here so inter-399 10 140 to be epresented by a legal practitions r at the carp uset.

Fryan coor - For the purpose of the second "level presh court' has the sense meaning as a clause (i) of enhanced and the

PRINTED BY THE ODNERAL MANAGER GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1977



Sec. 1]

5, 39

)n or

rised

lourt

nt of

such

rovi-

itho-

sub

: the

ation

dis-

1.12

Jaza

lent.

ıdia

1.130

.idr

14

ં કરવ

be

# THE CAZETTE OF INDIA EXTRAORDINARY . [PART II SEC. 1]

Amendment of section 333 of Pondicherry Act 10 of 1978.

1.0.11 winariy **新** 计子内

6781

3. In section 333 of the Pondicherry Village and Commune Panchayats Act, 1973, in sub-section (2), for the words "two years", the words "two years and three months" shall be substituted.

	STREET, COMPANY	and the second		也不可能的 法律师问题	
	Marine St. S. However			and the second second	
,			SHARE STREET		
,					
	all was see the	1.985	10 4 6 W 1 1 1 1	99. AN	
••		化增强器 化乙二	Section Section	224) A. C.	
ļ		102 (D. 2)			
1					

B. D. JATTI, Vice-President acting as President, 

entre a monta a TRADE IN TATE OF ISE IS

> alan ngangu 🗸

S. HARIHARA IYER, the set is an a same where it and Joint Secy. to the Gout. of India. There are an inter to this base in arrest that a mark he that and a star that we want the second of the se

MISISTER TRANSFORMED THAT AND A TRANSFORMED A TRANSFORMED AND AN

furmer that with the state of the

(milling) with manimum the the basis with and set is the

SOAL ITTERA ERIALIZATION DE LE CONTRACTOR AND THE AN TRANSPORTATION FOR THE 

NY 10 - 64 Prime I and a manager of an arrive on the transfer of the Twenty Wibur 10 confliction with he profit weight

2791 Martin Martin Contraction of the Port Martin Martin States of Astrophysics and the second subject accumulated has a subject of spanning but have

A desired of deriving shades will be terredike monitor will be exclusive in created and the Constitution, the Vice-President acting at 1999 and s physical to promitive the following Regulation made by him-

These requirements in called the Forstcherry Monteinstitics and a short 0.517 State manual President Provident (Amendament Representation 1997)

The state of the Party of the Manual Manual State of the Section of the Sec. 1 bailt for the with diant and the second date to a contract of the to their HUL THE 2.59 million of the second difference 10 10 10

> MONTED BY THE GENERAL MANAGER, COVERNMENT OF INDEA. PRESS, MINTO ROAD, OFTHE AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELH, 1977

Ha si-(si)-72 REGISTERED No. D-(D)-72

iarming. of

The country of the second s **Propairs** allowly to Weither Minister of teration in the and the last opening grouldre games by

e. 11

ancha-

words

TTI,

ZER.

187

 $\mathbf{\hat{x}}$ 

Ċ,

str¥

的动物

Real

India.

sident.

10

# 06 10 01

arrai yattai असाधारण alw or condino a lorestry HTC: J EXTRAORDINARY Store Solution in Sa noile trage au 1:11 the stage of the ust PART II-Section 1

a an antice and solution in Attomation and an The st of a mus of party PUBLISHED BY AUTHORITY MI 10 Comment

18 52 - 910 +\$ Eccel, signalt, Eccut 23, 1977 ultan 1, 1899 NEW DELHN, FRYDAY, SEPTEMBER 23, 1977ASVINA 1, 1899 No. 52]

इस भाग में भिन्न पूष्ठ संख्या दी जाती हूँ जिससे कि यह अलग संकलन के रूप मा रखा जा सके Separate paging is given to this Part in order that it may be filed as a separate compilation interest with to f

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delht, the 23rd September 1977/Asbina 1, 1899 (Saka) THE UNION TERRITORIES RELIEF OF AGRICULTURAL INDEBTEDNESS REGULATION, 1977

No. 5 OF 1977 int (again rubine go and

Promulgated by the Vice-President discharging the Functions of the President in the Twenty-eighth Year of the Republic of India.

A Regulation to provide relief from indebtedness to agricultural labourers, 'rural' artisans, marginal' farmers' and small farmers oth certain Union Itebritories plate interformers A had this

In exercise of the powers conferred by article 240 of the Constitution, the Vice-President discharging the functions of the President is pleased o promulgate the wing Regulation made by hins -----

1. (1) This Regulation may be called the Uffion Territories Relief of Agricultural Indebtedness Regulation, 1977.

(2) It extends to the Union territories of the Andaman and Nicobar Bunds, Dadra and Nagar Haven and Lakshadweepticor 5 (i)

(3) The provisions of sections 3 and 4 shall be deemed to have come to force on the Bid day of Tallubry, 1976 and the remaining provisions and the remaining provisions and the second such date as the Adminisator may, by notification the official Gazette, uppoint 2."In this recting of unless the context of the wise requires.

(a) "Administrator" means the administrator of a Union territory appointed by the President under article "229-1610the Consti-"Ution shift our second rotation and the matching (.) on 6 & to tamitezinmon stude() at shifts a factoria

Short tilie, extent and conimence. ment

Defini-

tions.

(345)

COLO DE THE GAZETTE OF INDIA EXTRAORDINARY

[PART I].

13. A S

10 0

23 d

38 0

5 0

21

(b) "agricultural labourer" means a person who is engaged in the operation of—

(i) farming, including cultivation and tillage of soil; or (ii) dairy farming; or

(iii) production, cultivation, growing and harvesting of any

(iv) raising of live-stock, bees or poultry; or

(v) any practice performed on a farm as incidental to, or in conjunction with, farm operations (including any forestry or timbering operations) and preparation for market, or delivery to storage or to market, or to carriage for transportation, of farm products,

in the capacity of a labourer on hire or exchange and who is paid in cash or in kind or partly in cash and partly in kind for such engagement;

(c) "annual household income" means the aggregate of the annual income from all sources of all the members of a family;

(d) "bank" means

(i) a banking company as defined in clause (c), of section 5 of the Banking Regulation Act, 1949;

(ii) the State Bank of India constituted under the State Bank of India Act, 1955;

(iii) a subsidiary bank as defined in the State Bank of India IA: (Subsidiary Banks) Act, 1959;

(iv) a corresponding new Bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

(1) 10 (1) a Regional Rural Bank established under sub-section (1) of section 3 of the Regional Rural Banks Act, 1976;

Istuiluon (vi) any banking institution notified by the Central Governgromment under section 51 of the Banking Regulation Act, 1949;

(vii) the Agricultural Refinance and Development Corporation established under the Agricultural Refinance and Development Corporation Act, 1963;

(viii) any other banking or financial institution which the Administrator may, by notification in the Official Gazette, declare to be a bank for the purposes of this Regulation;

inden (e) "civil court" includes-

(i) a court exercising jurisdiction under the Provincial Insolvency Act, 1920;

(ii) a panchayat established under any law relating to panchayats for the time being in force in a Union territory while exercising functions of a civil court;
 (iii) a court exercising powers under the Provincial Small

Cause Courts Act, 1887;

(a) "Administration of a state state state of a Country of the

(i) in relation to the Union territory of the Andaman and Nicobar Islands, the Deputy Commissioner of a district

10

stent sid connence

Troot

31.13

L. Cast I

20043

. and the state of the state of

and appointed under section 6 of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966;

(ii) in relation to the Union territory of Dadra and Nagar Haveli, the Collector appointed under sub-section (1) of necisection 6 of the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971; Cleaned and Congress

(iii) in relation to the Union territory of Lakshadweep, the Collector appointed under section 4 of the Laccadive, Minicoy and Amindivi Islands Land Revenue and Tenancy Regulation, 1965;

and includes any other officer appointed by the Administrator, by notification in the Official Gazette to exercise the powers of a Collector under this Regulation;

(g) "commencement of this Regulation", in relation to a Union territory, means the date on which the provisions of this Regulation, other than those of sections 3 and 4, come into force in such Union territory;

对我的

£π

201

h

46

30.3

10 of

23 of

38 ol

5 of

21 (

10

100

**1**07

¥.

5 of

(h) "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 a Union territory and includes a Land Development Bank;

(i) "debt" includes all liabilities owing to a creditor in cash or in kind, secured or unsecured, payable under a decree or order of a civil court or otherwise and subsisting at the commencement of this Regulation, whether due or not due, but does not include

(i) a debt to the Central Government or any State Government or the administration or Government of any Union territory or any local authority or co-operative society or banks

(ii) a debt to any Government company within the meaning of section 617 of the Companies Act, 1956;

(iii) a debt to the Life Insurance Corporation of India established under the Life Insurance Corporation of India Act, 1956, or to any other Corporation established by or under any ber de law for the time being in force;

Par. dt (iv) any rent due in respect of any property let out to a

hore than we hetby life least has a set see and stoles (v) any liability arising out of breach of trust or any

tortious liability; and in subcondition for the set are training (vi) any liability in respect of wages or remuneration due sall it as salary or otherwise for services rendered; 清穀 (vii) any liability in respect of maintenance whether under a decree of a civil court or otherwise;

(will) any debt which represents the price of any goods or property purchased by a debtor; i distance of bus

normal 20 (any advance of money given to a debtor by a person by the price of goods of property to be sold later. on by the such ante the time dektor: stand log any advance of wages, whether in cash or in kind, tor definition of a contract of a contract of service for a specified Dependences of the table seeding. 

(intois a non omit lo tionil uni noits

#### THE CAREFORD OF INDIAL EXTRAORDINARY

348

[PART II]21

book indeprovided that the rate of wages settled is not less than the minimum rate of wages fixed by law;

toged bue day to contrast and day industry a thir at the second and the second se

marginal farmer or a small farmer, who over a debt.

of gooks. "family", in relation to be person means the individual, the resumife or husband, as the case may be, of such individual and their fulurimatized minor children with both the data in the case of such individual.

Explanation.—For the purpose of this clause, "minor" means a person who has not completed his of her age of eighteen years;

(1) "marginal farmer" means a person who owns un-irrigated agricultural land measuring not more than one hectare and who cultivates personally such land and includes a person who cultivates such land measuring not more than one hectare as a tenant or share to person the such land measuring not more than one hectare as a tenant or share to person the such land measuring not more than one hectare as a tenant or share

Provided that in its application to persons belonging to any Scheduled Tribe, this clause shall be subject to the modification that bit for the words "one hectare", in both the places where they occur, the words "two hectares" shall be substituted.

10 date: Explanation. Where a person holds irrigated land, (i) whether 10 exclusively, or along with other un-irrigated land, the extent of 10 land deemed to be held by him for the purposes of this clause and -clause: (n), so far as such irrigated land held by him is concerned, in shall be considered to be twice the extent of such irrigated land;

(m) "rural artisan" means a person who does not hold any agricultural land and whose principal means of livelihood is production or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto and includes a person who normally earns his livelihood by practising a craft either by his own labour or by the labour of all or any of the members of his family in a rural area;

(n) "small farmer" means a person who owns un-irrigated agricultural land measuring more than one hectare but less than two hectares of such land or who cultivates such land measuring more than one hectare but less than two hectares as a tenant or "share cropper:

Provided that in its application to persons belonging to any Scheduled Tribe, this clause shall be subject to the modifications that for the words "one hectare" and "two hectares", in both the places where they occur, the words "two hectares" and "four hectares" shall respectively be substituted;

and Nicobar Islands or Dadra and Nagar Haveli or Lakshadweep.

Ston ston of time for limitstion. not in computing the period of limitation for a suit for the recovery of a debt or an application for the execution of a degree passed in such suit, the time during which the institution of the suit or the making of the application was barred by section 3 of the Union Terribaies Relief of Agricultural Indebtedness Regulation, 1976, shall be defined. Explanation.—In this section, "suit" includes appeal.

#### 1. **# 2**7.0020 THE CAZETTE OF INDIA EXTRAORDINARY .

No interest shall accrue in respect of andebt on or after the 3rd Monuary, 1976. Mar. Margine Stations with Lin Sauder Con Representation of the contract of the part descent the second the

349

Interest

ngt to accrue

in restor

pect of

debt.,... Dis-

in 1 of debt.

-311398

tase

4712

nuis suit,

-iluna

115 245 Sardier

al sast

algera.

Section

at bolais

charge

Motwithstanding anything contained in any enactment for the time egin force or in any contract or other instrument having the force and in a statistical constraint to prove the particulation of the state law,

(a) every debt, together with any interest payable thereon, owed to any person at the commencement of this Regulation by an agricultural labourer or a rural artisan, either of whose annual household income does not exceed two thousand and four hundred rupees or by a marginal farmer shall be deemed to be wholly discharged;

(b) every debt owed to any person by an agricultural labourer or a rural artisan either of whose annual household income exceeds two thousand and four hundred rupees or by a small farmer shall be deemed to be wholly discharged if-出去了 法 相等

> (i) he had, in the discharge of his debt, paid a sum exceeding or equivalent to double the amount of the debt at any time before the commencement of this Regulation;

> (ii) he, in the discharge of his debt, pays, after the commencement of this Regulation, a sum which, together with any sum already paid in the discharge of such debt, is equivalent to double the amount of the debt;

(c) every property pledged or mortgaged by a debtor whose ណ្ឌរមារ debt is deemed to be discharged under clause (a) or clause (b), shall stand released in his favour when such debt is deemed to be discharged and the creditor shall, if he is in possession thereof, Sec. I return the same to the debtor forthwith; 1.

(d) subject to the provisions of clauses (a) and (b), the liability and. of a debtor to repay the debt, together with any interest payable 13 thereon, shall not exceed twenty per cent. of the gross value of-

(i) his annual household income in the case of an agricultural labourer or a rural artisan, or

(ii) the annual agricultural produce of his lend, in the case of a small farmer. a standardar

multiplied by seven and such liability shall be spread over for repayment over a period up to seven years to be reckoned from the date of order of adjudication. No recovery of amount in excess of

the debt liability scaled down shall be made and the portion of the readebt in excess thereof shall be extinguished

""In The interest payable on, the debt shall, be calculated at the rate <sup>11</sup>applicable to the debt under the law, custom or contract or at the rate or or per cent per annum, whichever is less and credit shall be given for diagona paid or credited first towards the outstanding interest and the balance if any, shall, be credited towards repayment of the prin-opation The same of (principal, and the interest outstanding shall be considered as the net outstanding debt on the 3rd day of January, 1976 for the purpose of scaling down 5. SH A and a set of a set of

Interest. i an Poors Norders 14 Christer () and the second

COMP. CONT

Margary and

Mr. Com

colles

ual, the 1 their eans a ars; igated who tivates share any n that occur, 3Û lether nt of e\_and rned, any proticles and ising 7 of

10.11

1. 1. 1.

3 . ž.

ART III

han the

÷.

san,

(ated than iring

t or

any ions the four

nan

erv

in

the

rri-

be

D.

[PART 113

Appointment of debf settlement baaq officers. Application do to for settlement. Verification of application. Particu\_ lars to be stated in application

6.50

the debtors and their creditors, appoint debt settlement between define the local areas in which they shall exercise jurisdiction.

3011 80 Å debtor or any of his creditors may apply within a period of six 9 months from the commencement of this Regulation to the debt settle ment officer appointed for the area in which a debtor resides or holds any land to effect a settlement between the debtor and his creditors.

<sup>16</sup> 9. Every application to a debt settlement officer shall be in writing <sup>12</sup> and be signed by the applicant and verified in such manner as may be <sup>15</sup> prescribed by rules made under this Regulation.

10. (1) Every application presented by a debtor to the debt settlement officer shall contain the following particulars, namely:----

statistic (a) the place where he resides or holds land; transition own

(b) the particulars of all claims against him together with names and residences of his creditors;

(c) the particulars of all his property, together with a specification of the value of such property and the place or places at which any man such property is to be found;

(d) the particulars of his household income;

debtor;

(f) a statement whether he has previously filed an application in (f) respect of the same debt before the debt settlement officer, and if so, with what result.

(2) Every application presented by a creditor shall contain the follow-

ing. particulars, namely:-

(a) the place where the debtor resides or holds land;

(b) the amount and particulars of his claim against such debtor;

(c) a statement containing full particulars of the debtor.

Procedure on receipt of application. 11. (1) On receipt of an application under section 8, the debt settlement officer shall pass an order fixing a date and place for hearing the application.

(2) Notice of the order under sub-section (1) shall be sent to every creditor by registered post, acknowledgement due, at the cost of the applicant and where the debtor is not the applicant, notice of the order under sub-section (1) shall be sent to him in a similar manner.

Notice all calling creditors to submit statements of debts. 12. (1) On the date fixed, the debt settlement officer shall publish, in such manner as may be prescribed by rules made under this Regulation, a notice, calling upon every creditor of the debtor to submit a statement of debts owed to such creditor by the debtor. Such statement wherein the creditor shall show whether he is licensed under the law relating to maney lenders for the time being in force in a Union territory and lad complied with the provisions' thereof, shall be submitted to the debt settlement officer in writing within a period of two months from the date of publication of the notice:

PART TRA

**1**c.,11

between ders and

fd of six A settle or holds itors.

<sup>w</sup>writing may be 154 đ ; settle-

a 1 5 names

' (4´ )

fication ich any

he is a

1961.

ition in d if so,

follow-

lebtor;

34 T settle-

ng the 1.00

every of the 1 order

ish, in ation. engent

petein

ingito

i dend

idebt u ihe

Provided that, if the debt settlement officer is satisfied that any creditor as, for good and sufficient cause, unable to comply with such direction to produce the documents required under sub-section (1) of section 13 thin the period fixed, he may extend the period for the submission of tatement of the debts owed to such creditor or for the production of such decuments. Fabra A

(2) Every debt owed to a single creditor of which no such statement has been submitted to the debt settlement officer in compliance with the provisions of sub-section (1) shall be deemed to be duly discharged for all purposes and all occasions against such creditor; and every debt owed to two or more creditors jointly of which such statement or statements signed by all such creditors or their recognised agents has or have not been so submitted shall be deemed to be so discharged against such creditors as have failed to submit the said statement but only to the extent of their respective shares in the said debt.

(3) If the creditor or any of the joint creditors fails without sufficient cause to be present in person or by his recognised agent or, with the permission of the debt settlement officer by a legal practitioner at any of the hearings fixed by the debt settlement officer, or fails to produce full particulars and documents as required under sub-section (1) of section 13, the debt due to him or to the joint creditors, as the case may be, shall be deemed for all purposes and all occasions to have been fully discharged.

Explanation.—For the purposes of this sub-section and section 22, "legal practitioner" has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act. 1961.

(4) If any creditor proves to the satisfaction of the debt settlement officer that the notice was not served on him and that he had no knowledge of its publication or that he was unavoidably absent at any of the hearings fixed by the debt settlement officer, the debt settlement officer may revive. and the second second the that debt.

13. (1) Every creditor submitting in compliance with a notice issued under sub-section (1) of section 12 a statement of the debts owed to him shall furnish along with such statement, full particulars of all such debts, and shall at the same time produce all documents (including entries in Pooks of account) on which he relies to support his claims ments of together with a true copy of every such documents.

Procedure on submic\_ sion of state-

debte

Power

of debt<sub>icnoD</sub>

settle 290(1914) ment

164

liconcel

Provided that a decree or order of a civil court shall be conclusive evidence as to the amount of the debt to which the decree relates, but the amount may be reduced if it exceeds double the principal loan or has been made up by including simple interest at a rate higher than six per cent. ·lesterstar per annum

The debt settlement officer shall after marking for the purpose of identification every original document so produced and verifying the cor-rectness of the copy, relain the copy and return the original to the creditor

14. (1) If a creditor or a debtor, as the case may be, challenges the genuition as a provide the second debt and the issue of the shall adjudicate upon the issue attion a second at a second which and gone in onise show off at the debt settlement officer , adjudiupiler capacition, (1), may, appeal therefrom to the Collector jog second, cate.

3Št

352

Provided that an appeal shall not lie from an order refusing to review or confirming on review a previous order.

(3) The period of limitation for an appeal under this section shall run from the date of the order appealed against and shall be thirty days.

(4) The debt settlement officer shall determine in the case of each debt shown in the application made by the debtor or his creditor under section 8, or in the statement furnished by the creditor under section 13, other than a debt declared non-genuine or unenforceable, the principal amount originally advanced, the amount paid by the debtor towards the principal or interest or both and the interest at the rate of six per cent. per annum commencing on the date the principal amount was advanced and ending with the 2nd day of January, 1976, and in calculating the interest, the payments made by the debtor from time to time shall first be adjusted against the interest due on the date of payment and then towards the principal and thereafter interest shall be calculated on the principal amount thus remaining outstanding.

(5) Where the debtor is found to have repaid to the creditor an amount equal to, or exceeding double the principal amount, or the debtor on being, appraised of the findings under sub-section (4) pays an amount which makes the total repayment equal to double the amount of principal, the debt settlement officer shall declare the debt as fully discharged and thereupon the provisions of clause (c) of section 5 shall apply to the debt. In case the amount repaid to the creditor is found to be in excess of double the principal, the debt settlement officer shall order the refund of the same to the debtor by the creditor.

(6) The debt settlement officer shall estimate-

(a) in the case of an agricultural labourer or a rural artisan. the gross value of his annual household income; and

(b) in the case of a small farmer, the gross value of the annual agricultural produce of his land;

and determine, for the purpose of section 5, the liability and capacity of the agricultural labourer, or the rural artisan, or, as the case may be, the small farmer to repay the debts outstanding against him.

(7) In the cases not falling under sub-section (5), the debt settlement sinear officer shall, keeping in view the outstanding amount of principal and interest as determined under sub-section (4) and the paying capacity of the debtor determined under sub-section (6), as the case may be, order the payment of the amount in yearly equal instalments not exceeding seven:

Provided that in no case the debtor shall be required to pay towards the principal and the interest any amount that exceeds double the principal:

Provided further that where the amount of yearly instalment in respect of all the debts exceeds the paying capacity of the debtor, the debts shall be proportionately reduced so as to make the yearly instalment equal to the paying capacity and on payment of the instalments so determined, the debt or debts shall stand fully discharged.

William & Same

Conset about quences 12101 of not deser licence, <sup>Sling</sup>

3.0 1.00

-month

as smi 3. 1 G A & C &

10 Soi-

201

31010-

2 005

15. In recording findings under section 14, the debt settlement officer may, where a creditor is not licensed in accordance with the provisions of the law relating to money-lenders for the time being in force in a Union obtain territory, disallow the whole of his claim and declare the debt as fully discharged and where the creditor is found to have failed to comply with

PART II

**H**<sup>1 2</sup>

лew

run

1.19

debt

tion

than

rigi-

l or

nûm

ling

the

sted

the

ipal

unt

ing

ìch

the

ind

ess

ind

 $\sim$ 

án, j

÷ 1

**sal** H

161

ity

зe,

1500

ot.

**IG** 5.3

of :

łe

h:

ls

e

x

11

ò

1015

Rig Big

**É** é

0.85

QIJ.

190

1.9

Ϊ.

the

brovisions of such law with regard to maintenance and publication of wints, disallow whole of the interest on the principal amount of the

16. A debt settlement officer appointed under section 7 may exercisePower of debt such powers connected with the summoning and examining of parties withesses and with the production of documents as are conferred on ment oil gourts by the Code of Civil Procedure, 1908, and every proceeding officer egre, the debt settlement officer, shall be deemed to be a judicial proto require dette section of the set of the properties whet ceeding. atten-

## This as a dealed build for the A and any note-flags and it is a subserver of the total and a 17. If in the opinion of the debt settlement officer any applicant fails to

conduct his application with due diligence, the debt settlement officer may dismiss the application at any stage.

abit with a shappened berrier residence when we adopt of the

hi networkhang harrad manif francisch ad 18. If any question arises in any proceedings under this Regulation 9 685 whether a loan or liability is a debt or not, or whether a person is a debtor or not, the decision of the debt settlement officer shall be final, and shall ong at Seller ador not be called in guestion in any court: 1. 30 1.51 1113 of this Reptilitien.

19. No civil court shall entertain the dr to st a store with as the analysis action (R.), adv 2001 and the an (a) any suit, appeal or application for revision--

(i) to question the validity of any procedure or the legality to anof any order issued under this Regulation; or

wound (ii) to recover any debt which has been deemed to have been o duly discharged under the provisions of this Regulation in (b) Any application to execute a decree passed by a civil court against a debtor; ·

(c) any suit for declaration, or any suit or application for injunction affecting any proceedings under this Regulation before a debt settlement officer. "Free of a section Processifi 

is more person considering himself aggrieved by an order of the debtentrollicer and who from the diservery of any new and important evidence which, after the exercise of flue diligence, was mot his knowledge or could not be produced by him at the time-when they was made, or on account of some mistake or error apparent conf the record, or for any other sufficient reason, desires to eview of the order made against him, may apply for a review der to the debt settlement officer who may review the order ene orden as be thinks fit:

> in this the light settlement officer shall not under this section at severant of modifying any older affecting any person inte-

receive evidence. Dismissal of application in default. Decision of debt settleménť officer to Be final,

5.514

dance

persons

and production

of docu-

and to

ments

of

+<353

Bar of civil suits. minst

ative he is

en instit

303

നയി

白云 新聞

e hours

roa lan ha

204.131

SHURSTON

Seences.

×.

Review

to noi Browided further, that no, application, for, review, shall be entertained if presented more than twelve months after the date of the order sought to

be reviewed. Power appointed under Securit は一般。 16 A debt 2511 621. Save as otherwise expressly provided in this Regulation, no appeal Baleofic appeal or , or revision shall lie against any order passed by a debt settlement officer. revision. 2016 22. In any proceedings under this Regulation any party may be repre-Appearsented by an agent authorised in writing or with the permission of the ance of party SO \$900 debt settlement officer by a legal practitioner. before

> 23. The provisions of the Limitation Act, 1963, shall apply to an application made by a creditor under section 8 as if the application were a plaint in a suit for recovery of the loan of to acting out and A. kalla handalitha 1896 on originali and philor acquisitique dat tenbras San . VIS TE OUTBEROW SET SETENCE

24. The order of the debt settlement officer passed under this Regulation shall be executed by the civil court having jurisdiction in the area as if it were a decree of brder of that court is how you if all all Ende 25. The Administrator may, by notification in the Official Gazette, make rules to provide for all or any of the matters for which provision

is necessary or expedient for the purpose of giving effect to the provisions of this Regulation.

26. After section 28 of the Andaman and Nicobar Islands Money-lenders Regulation, 1956, the following section shall be inserted, namely :-

Amenda ment of Regu lation

debt settlement officer by agent or by legal practitioner.

Appli-

provisions of

1963.

due.

to

cation of

Act 36 of

Recovery

of sums.

Power 16.9

make ruleș.

2 of 1956. Penalty for Carry ing on business of money. lending

the one with appress of a specification the specific (i) to question the validity of any procedure or the legality "28A. Any money lender who contravenes the provisions of sub-

nagi ( section (1) of section & shall be punishable for the first offence with fine not exceeding one thousand rupses and for a second or subsequent offence with fine not exceeding two thousand rupes.".

tiotdah - teninge (a) any call for artistantion counts on application for infilm without tion affecting my proceedings unact this hearthline seture a debt obtaining licence.

Repeal.

5-16-1

Port 18 1.57 行物的

1435 271 The Union, Vernitories, Relief with Agricultural Indebtedness, Regu-Mation 1976; in so far as it extends to the Union terbitories of the Andaman Wand Wicobar Islands Dadra and Nager Haveliand Labshadweep, is hereby aspended on the mini yell because an this binon to egodivants and under sum alog as made, or on account of some neithly of strong apparent. or resulted notices this bit as white white a brown off Vices President, warver a vel and that the discharging the futletions of the President. ne agen order to the debt settlement officer who may review the wide . In eduids on the Krike SUMDARAMS 

competentiation and the section instruction in the part of India.

HUT HOLLY AND AND POTALING AT THE CONTROL AND ADDR. COVERNMENT. OF STOLY TARS, PARS, PARS,

RECORDERED NO. 7001-72 Restances of thus saturate No. D-(D) -(b) in sub-section (2), for to tate delivery of the summon truche words for a wireless no "that the witness ger that the witness utuged to Atelivery at the summe का र he Gazette of India resident असाधारण EXTRAORDINARY भाग II-खपड 1 PART-H-Section 1 प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY सं 100 16 17 1 सह रविल्ली, बहल्पतिवार, न अम्बर 17, 1977/कातिक 26, 1899 No. 60 NEW DELHI, THURSDAY NONEMBER 17, 1977 KARTIKA 26, 1899. इस आग में भिन्न पृष्ठ संदेखा दी जाती हूँ जिससे कि कह अलग संकलन के लग में रखा जा सकी। Separate paging is given to this Part in order that it may be filed as a separate compilation MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department) New Delhi, the 17th November, 1977/Kartika 26, 1899 (Saka) THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) REGULATION. 1977 法人权的法 No. 6 of 1977 Promulgated by the President in the Twenty-eighth Year of the Republic of India. A Regulation turther to amend the Code of Criminal Procedure, 1973, in its application to the Union territories of the Andaman and Nicobar Islands and Lakshadweep. ta In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him: -Short 1. (1) This Regulation may be called the Code of Criminal Procedure title. (Amendment) Regulation, 1977. extent \ (2) If Extends to the Union territories of the Andaman and Nicobar and comcement. Islands and Lakshadweep. in any of loas methodal. contensionet: (3) It shall come into force at once. 2. In section 69 of the Code of Criminal Procedure, 1973, in its Amend-application to the Union territories of the Andaman and Nicobar Islands ment of MARCHER section 69. and Linkshadweep, (544) an sub-section (1), after the words "to be served by registeres pressorthe words "or of the substance thereof to be served by wireless message' shall be inserted;

EC. 1

10d 1 sht to

ppeal

fficer.

eprethe

pplire a

nn -

area

ette,

ision

tions

ders

sub-

with

bse-

1

gugan

eby

b ant 1 of

16 gula-

1513

PRIMER BY BY THE RENERAL MAMAGER. GOVERNMENT OF DUDIA PRESS MURIC ROLLING REAL AND FURLISHED BY THE CONTROLLER OF PUBLICATIONS, DERMI 1077

COMUSALINE OF INDIA EXTRAORDINARY ([PART IN SECTO

PRAME TO GOD VY CONTRACTOR

(b) in sub-section (2), for the words "that the witness refused to take delivery of the summonial, the words "or a wireless messenger that the witness refused to the delivery of the summons or the messence of the summons of the summer of t

n en eg el el

Arrigati Alton P

2003). 281

ing si si Natar sa

or berthe.

1.000

1.85

14

And she

an los

Shealey.

1.15

heres

(#\$10 m Alifasjany

inasiinten hi<sup>n</sup>trus**ut**e

n de la composition Notation de la composition de la composit Notation de la composition de

S. Jam

1 - 1 - 1

10.8

# radia State of India

President.

FXTRACENTER Sum II-2020/NARY Sum II-2020 1 PART-H-Section 1 uferer & centum

ARISHED REVEALTRORIES

H. MARAAN SKRAM SERVICES A TEN 1 1955 AUG 26, 1899.

per mer el fuen que cient ei anti e' fateri fu, ne secon fateri e e ei ven an una l. Separate paulag is pirco 's this P. er as order fine it may be thied as a separate compilation

MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS (Legislative Department)

Read Delks, the 17th Soressier, 1977/Rattika 23, 1899 (Soka).

THE GUL ANON TO THE SECOND

No. Jor 1977

Promulgated by the President in the Figurity-sighth Year of the set of the se

A Resulation further to further code of Criminal Procedure, 973; in us application to the Union territories of the Andaman and Weobar Islamis and Takshadweep.

In exercise of the powers, conferred by article 240 of the Constitution, the President is preceed to promogate the following Regulation made by him:

1. (i) This Regulation may be called the Code of Criminal Procedure Short it. (Amendment) (equiation 1972, a start direct contract (Amendment)) (extent) (c) It extends to the Union territories of the Arabaman and Nicobar and contalards and Lakshadtweep.

(2) It shall come into force at once.

2 In section 69 of the Code of Criminal Procedure, 1973 in its Amendapplication to the Union territories of the Andaman and Nicobar Islands ment of and Lakshadweep,---

(a) in sub-section (1), after the words "to be served by registicated post", the words "or of the substance thereof to be served by wireless message" shall be masted have

ANTAD BY THE GENERAL BEANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, IN DECM AND FURLINED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1977



स्तो सं० डी-(डी)-72

diale

6]

紀 19 66

tinty h

 $2\pi e^{2}$ 

REGISTERED No. D-(D)-72

Lang the interio (b)

CA GARA 91665-3

10 N N

- for the la

5.610

den la conserva

la de la servición de la servic

1986 N.A. Second Sec. 20

03 - 19 <sup>1</sup> -

s . . . .

(n) 3. Jan de la companya de la

sky plan

Short title, ex-

tent and

commence-

1.1

# रत के राज The Gazette of India

असाधारण

EXTRAORDINARY NIT I Got 1 CONTRACTOR OF THE OPERATION 6.32 PART II-Section 1 प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

नई दिल्ली, मंगलवार, मार्च 28, 1978 चेन्न 7, 1900 6P. NEW DELHI, TUESDAY, MARCH 28, 1978 CHAITRA 7, 1960

इस भाग में भिन्न पुष्ठ, संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में राखा 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

August De Car addisition (Legislative Department)

New Delhi, the 28th March, 1978/Chaitra 7, 1900 (Saka) us reprinted to all as allowing and prayer added and " (as

THE LAKSHADWEEP WEIGHTS AND MEASURES (ENFORCEMENT) REGULATION, 1978

to these a scheemy go at · note to how how a fine No. I OF 1978 and absence of the first or toole Promulgated by the President in the Twenty-ninth Year of the ed should be a Republic of India

A Regulation to provide for the enforcement of the standards of weights and measures and for matters connected therewith or incidental thereto, 5 900 stands and the board of the stand of the second stands and the In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by

him. These releases to the content of the content o CHAPTER I of whith set of the se

having standing and the Lakshadweep Weights and Measures (Enforcement) Regulation, 1978. (2) Increases to the whole of the Union territory of Lakshadweep.

ment. (3) It shall come into force on such date as the Administrator hay, by notification Sappoint, and different dates may be appointed ifor and and the second of the new and the second of measure of and provelines of this Regulation, distance the and practice and the and the areas

in the set of number takings, not be a version of boost of the version seetion 5, by vehatever name called (see and see and

(d) classes of goods,

(e) classes of weights and measures, or

and any necessary of users of weights and measures and any necessary even any nich provision to the commercial of this Regulation shall be construed as a reference to the coming into force of that provision in such areas, er, in respection such classes of undertakings, goods, weights and measures or users of weights and measures in relation to which this Regulation has been brought, into force.

Regulation not to apply to inter-State trade or commerce.

commerce in (a) any weight or mensure, or (b) in any other goods which are sold, delivered or distributed by weight measure or number.

2. Nothing in this Regulation shall apply to any inter-State trade or

Definitions. 3. In this Regulation, unless the context otherwise requires,-

(a) "Administrator" means the Administrator of the Union of territory of Lakshadweep;

(b) "Additional Controller" includes a Joint Controller, Deputy
Controller and an Assistant Controller appointed under section 5;
(c) "authorised seal or stamp" means a seal or stamp made
confer, and in accordance with, the provisions of this Regulation;

(d) "Central Act" means the Standards of Weights and Measures Act, 1976;

60 of 1

(e) "Controller" means the Controller of Legal Metrology appointed under section 5,

(f) "counterfeit", in relation to a seal or stamp, means a seal or stamp which is so made as to resemble an authorised seal or stamp, as the case mayibe, intending by that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised as a set of the second of the sec

*Explanation 1.*—It is not essential that the resemblance of the counterfeit seal or stamp to the authorised seal or stamp should be exact and state and sta

Explanation 2.—When a person causes a counterfeit seal or different stamp to resemble an authorised seal or stamp and the resemblance is such that if a person relies on such seal or stamp, he might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the seal or stamp to resemble the authol rised seal or stamp intended by means of that resemble the authol tise deception or knew it is to be likely that deception would thereby be practised; and the seal or stamp to resemble the seal or stamp to resemble the seal or stamp to resemble the authol seal or stamp to resemble the seal or stamp to resemble to presemble to presemble to presemble to presemble to presemble to seal or stamp to resemble to seal or sea

(g) "theap" means any unit of a commodity for sale where such a sale is intended to be made without any weighment or measurement or, where the sale is made by number, without counting the humber;

260 2 741

(h) "Inspector" means a person who is appuinted as such under section 5, by whatever name called;

Dhort Fille, **ex** tent and commence remt.

19 A.

 靜拍

dis ...

is .

э£

s, m

or

:h

a

m 05

de

10

nđ

p

OF

аp,

÷D-

be

Æ N. Hilling the of be " L'odd

oraid

ce

be ed,

hol

íðy

(8) giton ent<sup>n h</sup>

er;

der

Mie293

60 of 19

(i) "Mint" means a mint of the Central Government; (\*)

"notification" means a notification published in the Official (j) Gazette: 그가지 되었다. 목소 가지 하는 것은

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

() "protection" means the utilisation of any weight or measure, no or any reading obtained with the help of any weight or measure, for the purpose of determining whether or not any step is required to ALL ALL be taken to safeguard the well-being of any human being or animal, commodity, vegetation or thing whether individually or collectively;

(m) Istandard weight or measure means a weight theasure or minimum and representation wonforms to the standards destablished vinverblation and bas beite os stati mass thereto by or under the Central Act; becabled the non-suger and the line of th of section 21 of the inclusion femilies to

(n) words and expressions used in this Regulation and not dealed the start fined but defined in the Central Act shall have the meanings respectively of tively assigned to them in that Act. **19**55 - 545 Etc.

o C 4. The provisions of this Regulation shall have effect not withstanding a provisions nce anything inconsistent; therewith contained in any enactment other than not this insorthis Regulation and the Central Alct or in any instrument having effect Regulation ditet overby virtue of any encoment other than this Regulation or the Central Act. ride the and the start has the start of a material start Alex .

provisions of any other law except the Central Act.

to not

10 1013

Appoint-

ment of

and

aldyiaw

те собране и водали продати у водани собратов (б) об СНАРТЕВ Половите водати (б) об собратование (б) собратование (б) об собратование (б) собратов C SUPPRY BURSHELL OF so a stan on sounds APPOINTMENT OF CONTROLLERS, INSPECTORS AND OTHER OFFICERS

and the second of the second of the second second

6327-46

-star 5. (1) The Administrator may by hotification bappoint a Controller of Legal Metrology for the Union territory of Lakshadweep and as many Legar Metrology for the Chick state Controllers, Inspectors and other performed of the powers and effi-de officers and staff as may be necessary for exercising the powers and effi-generic ciently discharging the duties conferred or impised on them by drunder and other officers

(2) Every Additional Controller, appointed under sub-section, (1), shall exercise such powers, and perform such functions, of the Control 12 let as the Administrator may by notification, authorise in this behalf.

A Jasmen's The component may by general of special brder, denne the local Willing switten which each Addresonan Controller or Vetch Inspector shall exercise the powers and discharge the duties conferred or fingesed on tvo hundyoorounder this digulation can a radio as the dors you (

(2) Subject to the provisions of this, Regulation, every, Additional to all bonic ontroller and every inspector shall exercise, the powers and dispharge straiges the diffes of his office under the general superintendence, direction and to vino the duties of his office under the general superintendence, discretion control of the Controller and shall exercise those powers and discharge source mi the the controller and shall exercise those powers and discharge source mi the the controller and shall exercise those powers and discharge source mi the the control of the controller and shall exercise those powers and discharge and the interview of the controller and shall exercise those powers and discharge and the control of the controller and shall exercise the powers and discharge and the control of the controller and shall exercise the powers and discharge and the control of the controller and shall exercise the powers and discharge and the control of the controller and shall exercise the powers and discharge and the control of the controller and shall exercise the powers and discharge and the control of the controller and shall exercise the powers and discharge and the control of the controller and shall exercise the powers and discharge and the control of the controller and the control of the con been conferred or imposed on him directly by or under this Regulation and not by why of sufficient strong. N.M. CASes.

[PART II-

(5) The Controller and every Additional Controller may also-

(a) perform all or any of the functions of, and

(b) exercise all or any of the powers conferred by this Regulation or any rule or order made thereunder, on,

an Inspector.

within we can be

and the second second

38

Power to authorise Inspector to adjust weights or measures.

6. Where the Controller is of opinion that it is necessary so to do, he may, by an order in writing, authorise an Inspector, or other officer not below the rank of an Inspector, to adjust any weight or measure in any area within the local limits of his jurisdiction.

to realized a disording of

 $\gamma I \ge W$ 

Controller 10 117. The Controller and every Additional Controller, and every Inspector and offireal and every other person authorised to discharge any duty by or under this cers ap-Regulation shall be deemed to be a public servant within the meaning pointed of section 21 of the Indian Penal Code. Regulation statement into addition of a statement under this オンロウドレス統計

to be public servants.

4794 (j. 65).

Protection 3 the 8. No suit, prosecution or other legal proceeding shall lie against the of action the Controller, any Additional Controller, or any Inspector or any other person taken in summer this Regulation in respect good faith. of anything which is in good faith done or intended to be done under this Regulation or any rule or order made thereunder.

- 1 B - 11 B

#### CHAPTER III

GENERAL PROVISIONS IN RELATION TO STANDARD WEIGHTS AND MEASURES

Prohibition of use of weights and measures ŝ other than standard weights

sures

9. (1) Notwithstanding any custom, usage or method of whatever nature, no weight or measure other than the standard weight or measure shall be used or kept in any premises within the Union, territory of Lakshadweep in such circumstances as to indicate that such weight or a measure is intended, or is likely, to be used for any weighment or meainscurement, the assault for the new new if and not ygoendald use

(2) Any custom, usage, practice or method of whatever nature which the permits a person to demand, receive, or cause to be demanded or received. and mea-to-within the Uhion territory of Lakshadweep; any quantity of article, thing or service in excess of, or less than, the quantity specified by weight or measure in the contract or other agreement in relation to the said article,

(1) thing or service shall be void.

(3) On and from the commencement of this Regulation, no weight, measure or number, other than the standard weight, measure or number, shall be used in, or form the basis of, any contract or other agreement in relation to any trade or commerce within the Union territory of 

(4) Any contract or other agreement, which contravenes the provisions of sub-section (3), shall be void.

<sup>Innois</sup> 10. (1) The Administrator may, by rules made in this behalf, direct Use of 9515 that in respect of the class of goods or undertakings or users specified weights transaction, dealing or contract shall be made or had, or in nottaine fi (b) no industrial production shall be undertaken, or Π'n cases.

## the Gazette of India Extraordinary

# (1) no use for protection shall be made,

ula-

, he

not any

ctor

this

ung

the rson

pect

ider

ES

ever

sure y of

t or nea-

hich

ved.

hing

it of

ticle,

ight,

iber,

nt in:

αĒ

rovi-

3806 fied

the Union territory of Lakshadweep except by such weight, meaar number as may be specified in the said rules. The second of the second of the basis for deficial in

Any rule made under sub-section (1) shall take effect in such from such future date and subject to such conditions, if any; as may nin in de be specified therein. Butant

bequities Except where he is permitted under the Central Act so to do, no wisson shall, in relation to any goods or things which are sold, transferred, distributed or delivered, or any service rendered within the Union terriin the of Lakshadweep

(a) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge, or 그는 말을 하는 것

WE TO CONTRACT ON A and he h (b) issue or exhibit any price list, invoice, cash memo or other - 585 Alton document, or

(c) prepare or publish any advertisement, poster or other docubuilt ment, or detailed in the Manufacture des

(d) indicate the contents of any package either on itself or on any label, carton or other thing, or the last state of the state of th

(e) indicate the contents on any container, or

(f) express, in relation to any transaction, industrial production or protection, any quantity or dimension, otherwise than in accordance with the standard-units of weight, measure or numeration. I have a second which have been the second the second second second second second second second

## and and a stand of the second second and CHAPTER IV. Galactic field, relationship

# South Custody and VERIFICATION OF STANDARD EQUIPMENTS

12. Every reference standard, supplied by the Central Government to the Administrator shall be kept at such place and in such custody as may be prescribed, and no such reference standard shall be deemed to be a reference standard and shall be used as such unless it has been verified and authenticated in accordance with the rules made under the Central voie Act.

Custody and verification of reference standards.

be the CD No period and the holds a cold hereit is not 16,130 IS. The Administrator may cause to be prepared at a Mint as many sets of secondary standard or working standard, verified and authenticatby the Mint in such, manner, as may, be specified under the Central VILL a has ne may think necessary:

7.9<sub>1.9</sub>

od . Provided that where the Mint intimates the Administrator on writing that it is unable to prepare secondary standard or working standard weight or measure the Administrator may gause such secondary and dand or working standard weight or negative to be prepared by such person as he may think fit and such secondary standard or working the standard, weight or measure, shall the senified and sauthenticated by Youth 34thonity, as may be specified by this made-under this Regulation na Millowenyasuch merujitation " and autocontinution" " phall be made" in " the manner specified under the Central Act. mansure

no colt Preparation of secondary and work. ing standards.

idean (

SOTUS Juordia 35mobil

tion of quotations, etc. otherwise than in terms of standard units of weight, measure or numera-

Verillar

Prohibi-

tion.

inth

desiglar

#### PART II\_ THE HAZETTE OF INDIA EXTRAORDINARY

Verification, stamping<sup>-1998</sup> and dary or

Mar

- RESIS tions, eff.

1.1.39

anti wi

Guidandistan and more needs

will be the second **元**和位徽省"参心

tes quarte

11、1938年1月1日

palitic ri srue We Har I I'V

Parts of the 

(-, -)

dine.

Sec.

082

1. 19. 19. 1

Surrody .....

fice into the

Constant gur a bailt frint

14. (1) Every secondary standard or working standard shall conform to the standards established by or under the Central Act and shall be verified with the reference standard or secondary standard, as the case may be, in such manner and at such periodical intervals as may be speciof second diffed by or under that Act and shall, if found on such verification to conform to the standards established by or under that Act, be stamped Practice States working

(2) Where any secondary standard or working standard is stamped standards. ander sub-section (1), a certificate shall be separately issued showing be the date on which such weight or measure was stamped. I als measure drast round and nir is longhader of the gas 10 front della in the south the

(3) Every verification and stamping referred to mesub section (1) shall be made by such person or authority as may be prescribed. With the Ball of the For e en se stati 

(4) A secondary standard or working standard which is not verified and stamped in accordance with the provisions of sub-section (1) shall 115 in not be deemed to be a secondary standard or working standard, as the case may be, and shall not be used for the verification of any working standard or, as the case may be, of any weight or measure, not being a national prototype or a reference standard or secondary standard.

(5) Every secondary standard shall be kept at such place and in such custody as may be prescribed.

The second s

and the land when the alternation of

Secondary or working standard 971 which 1.59 may not be stampeđ. \$4.5

1.85

<u>.</u>

15. Where the Administrator is of opinion that by reason of the size or nature of any secondary standard or working standard, it is not desirable or practicable to put a stamp thereon, it may direct that mstead of putting a stamp on such secondary standard or working standard, a certificate may be issued to the effect that such secondary standard or working standard conforms to the standards established by or under the Central Act and every secondary standard or working standard so certified shall be deemed to have been duly stamped under this Regulation on the date on which such certificate was issued.

16. (1) No person shall make, manufacture, repair or self any

weight or measure unless he holds a valid licence issued in this behalf

in The Provided That a person who bona file repairs in his premises any 1 weight or measure owned by him shall not be required to take out a licence referred to in this sub-section, if he, in the opinion of the

W. Reality rate and the second of the state of the second of the spectral W. and the or charten and MANUFACTURE, REPAIR OR SALE OF WEIGHTS OR MEASURES · Star and the start water

Prohibition on the manu- a dy she don to ler authorising such person to do so:

th BP mea

THE REAL PROPERTY I

wils fit.

ant in the

6 25 1.15

ie*p*äir

Controller sures 1413 without licence,

(#)<sup>1</sup>2has<sup>2</sup> the technical<sup>1</sup> competence and the necessary equipment row vote **repair** such weight or measure, or making the necessary equipment

sense the sense how the share share a

the ineversion of the ineversion of the ineversion of the second of the tother whight optmeasure incluis vossession; has thersons molling tillployand in melatowho have the mannical competence to repair such weight or measure, dy and part tor, with its and achieves as those as name

## PART II\_

conform shall be the case be specia to coned 13 -0 stamped showing 19.18**Q** (1215) tion (1) verified 1) shall l, as the working ot being ıdard.

and in

the size is not t that vorking tondary hed by vorking l under 1a ați.  $_{
ho}$ acસુવર igh. <sub>B</sub> Tany behalf 1.30 any

pment

out a

if the

Ve.

**ut**i

<sup>sj</sup>such Histoy-

th or

THE GAZETTE OF INDIA EXTRAORDINARY,

2) Every licence issued under this section-

(a) shall be in such form as may be prescribed;
(b) shall be issued on payment of such fees as may be prescribed;

39

treaster -

Land Marine Street

1. A. A.

in faring

den heið

Others of the

Cres - Par

1: 10.2.3

20723.

08

1100

124

(c) shall be valid for such period as may be specified therein,

(d) may be renewed from time to time, and

(e) may contain such conditions and restrictions as may be prescribed.

(3) Every licence issued under the Laccadive, Minicoy and mindivi Islands Weights and Measures (Enforcement) Regulation, 961, shall, if in force immediately before the commencement of this regulation, continue to be in force until the expiry of the period of its alidity, or until the cancellation thereof, whichever is earlier, and may be renewed under this Regulation if an application for its renewal is made in the prescribed form at least one month before the expiry of the period of its validity.

(4) A person who intends to commence, after the commencement of this Regulation, business as a maker, manufacturer, repairer or seller of any weight or measure, shall make an application in such form as may be prescribed, for the issue of a licence and overy licence so issued may be renewed if an application for its renewal is made is the of prescribed form at least one month before the expiry of the period of an its validity.

(5) The Controller may, if the is satisfied that the maker, manufactive turer, repairer or seller, as the case, may be, of any weight or measure was prevented by sufficient cause, from making, application, for the renewal of his licence before the expiry of the period specified in subsection (4) or before the expiry of the period of the validity thereof, permit him to make the application within a further, period, of one months from the date of expiry of reither of the said periods on payment by him of such further fee, not exceeding the fee which is payable for the issue of the licence.

(6) Onl receipt of an application folithe issue of a licence under this section, the Controller may; if he is satisfied, after making such inquiry as he may think fit, that the applicant fulfils, the prescribed conditions, issue such licence:

Picture that no applications doff the issue of a license shall, be rejected unless the applicant has been given a reasonable opportupity. (7) Nolapplication for the velocity of all licence issued; under this section making representation against the proposed action (a) the holder thereof has been given a reasonable opportunity (a) the holder thereof has been given a reasonable opportunity tunity of showing cause against the proposed action, and (1) holds the controller is satisfied there (b) the controller is satisfied there (c) the controller is a satisfied there (c) the controller is a control of the control of

(ii) the applicant has made any statement in, or in relation to, the application for the issue or renewal of the licence which is incorrect or false in any material particular, or

(iii) the applicant has contravened any provision of the Central Act or any rule made thereunder or of this Regulation or any rule made thereunder. 出口酒店 经运行特别

(8) The Controller may require every repairer licensed under, this Regulation to furnish to the Administrator security for such sum not exceeding two thousand rupees, as may be prescribed, to enable the Administrator to compensate any owner of weight or measure for any loss or damage occasioned by such repairer.

(9) Nothing in this section shall apply to the sale by a user (who is not a maker, manufacturer, dealer or repairer) of any weight or measure of such description as may be prescribed.

(10) Every licence issued or renewed under this Regulation shall be displayed in a conspicuous place in the premises where the licensee carries on his business.

a the transferration of provide the particular

Ste 1

. .

Suspension and cancellation of licence. 20

美产生产的

K. 61. 18

Par alla is: Asse

Sec. The second 

the state

1. N. S. B.

S. 1823

1

17. (1) The Controller may if he has any reasonable cause to believe that the holder of any licence issued, renewed or continued under this Regulation has made any statement in or in relation to, any application for the issue or renewal of the licence which is incorrect or false in any material particular or has contravened any provision of the Central Act or any rule made thereunder or of this Regulation or any rule made thereunder, suspend such licence pending the completion of any inquiry or trial against the holder of such Service and the service of the servi licence:  $\{ e_i \}$ 999 B. 18

Provided that no such licence shall be suspended unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

(2) The Controller may, if he is satisfied after making such inquiry as he may think fit that the holder of a licence has made a false for incorrect statement of the nature referred to in sub-section (1), or d has contravened any law referred to in that sub-section, cancel such 1. 10. licence:

Provided that no such licence shall be cancelled unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action. Instanting at the second distinguished the day

(3) Every licensee whose licence has been suspended shall, immediately after such suspension, stop functioning as such licensee and shall not resume business, as such licensee until the order of such suspension has been wacated out of the and second second to visual

(4) Every licensee whose licence has been suspended on cancelled shall, immediately after such suspension or cancellation, as the case may be, surrender such licence to the authority by which such licence 的自己的保险 was issued.

Sec \_1

la-

nce

the

Ila-

his

10t

he

ny

Maria

ho

or

<u>\_\_\_\_</u>

 $= \sum_{i=1}^{n} \sum_{j=1}^{n} \sum_$ 

ill at a

ee

 $\mathcal{O}_{\mathcal{M}}$ 

1.19

to.

**:d**, ,,,

0,

r- <sub>20</sub>

is

lene.

he

Siles :

 $(1,2) \in \mathbb{R}^{n}$ 

T'SC:

e) fri

(r)

adt

r di

36-55

( )、)

133

1.40

i dh NYS

.07

110

r

r 😪

ÿ.

)-

0.8

11.

5) Every licensee whose licence has been cancelled shall, within riod of thirty days from the date of such cancellation (or within further period, not exceeding three months from such date, as Controller may on sufficient cause being shown, allow) dispose of weights or measures which were in his possession, custody or rol on the date of such cancellation, and in the event of his failure do so, the Controller or any other officer authorised by him, in ting, in this behalf may seize and dispose of the same and distrite the proceeds thereof in such manner as may be prescribed.

18 Save as otherwise provided in the Central Act, no person shall-

(a) make or manufacture any weight or measure unless such weight or measure conforms to the standards established by, or under the Central Act;

(b) make or manufacture any weight or measure with indications thereon of any weight or measure other than the units specified by or under the Central Act.

19. No weight or measure which is required by or under this Regulation to be verified and stamped shall be sold, used or kept for use unless it has been verified and stamped.

A spectral contraction of the spectral spectra

and the second standing and it is which share

at a pression of the mention of the set of the set of the

## 20. (1) Every maker, manufacturer, dealer or repairer i and every person using any weight or measure in any transaction or for industrial production or for protection shall maintain such records and registers as may be prescribed, and, if required so to do by an Inspector, shall produce such records and registers before the Inspector for inspection.

(2) Notwithstanding anything contained in sub-section (1), if the Controller is of opinion that having regard to the nature or volume of the business carried on by any maker, manufacturer, dealer, repairer or user of any weight or measure, it is necessary so to do, he may, by order, exempt such maker, manufacturer, dealer, repairer or user from the operation of that sub-section.

# CHAPTER VI VERIFICATION AND STAMPING OF WEIGHTS OR MEASURES

21. (1) Every person having any weight or measure in his possession, custody or control in circumstances indicating that such weight or measure is being, or is intended to be used by him in any transaction or for industrial production or for protection, shall before putting such weight or measure into use, have such weight or measure verified at such place and during such hours as the Controller may, by general or special order, specify in this behalf (hereinafter referred to as the specified place or specified time).

(2) Every weight or measure referred to in sub-section (1) shall be re-verified at such periodical intervals as may be prescribed.

(3) Every Enspector shall, for the purpose of invertication of grany weight or measure, attend the specifical place (within the flocut limits

Verification and stamping of weights or measures

Manufacture of weights or measures.

Prohibi-

tion of

sale or

use of un-

stamped weights or measures. Manufacturer, etc., to maintain records and registers.

matri

-restances

Vapotitar

10

ាត់ផ្លុះរាស

1.21 10

viab Revie

- .coit

of his jurisdiction) at the specified time and verify every weight or measure which is brought to him at such place and within such time and shall, if he is satisfied that such weight or measure conforms to the standards established by or under the Central Act put his stamp thereon: Frankler Withership to same of Frankling and other and

一、教育学 (1994年1997) 夏日

Provided that where any weight or measure is such that it cannot, or should not be moved from its location, the Inspector shall take such steps for the verification of such weight or measure as may be prescribed. ware not the logical case, where the two sector they St. ide

on transmission desidence march of the second of the second

(4) Where any verification has been made under sub-section (3). the Inspector shall grant to the person referred to in sub-section (1) a certificate in the prescribed form indicating therein the particulars of the weight or measure verified and stamped by him. grass the man of my april Mas CONTRACTOR AND AND

(5) Where the Controller is of opinion that by reason of the size or nature of any weight or measure, it is not desirable or practicable to put a stamp thereon, he may, by an order in writing, direct that instead of putting a stamp on such weight or measure, a certificate may be issued to the effect that such weight or measure conforms to the standards established by or under the Central Act and every weight or measure so certified shall be deemed to have been duly verified and stamped under this Regulation on the date on which such certificate was issued.

22. Every certificate of verification granted under this Regulation shall be displayed in a conspicuous place in the premises where such weight or measure is being, or is intended to be, used in any transaction for for industrial production or for protection.  $= 1.100 \quad \text{as supposed for a state of the state of the$ YEAR ALL

a though a global the second a second structure of starting the second second second second second second second

Validity weights or measures duly stamped.

1.1 1

Marchell

5. 000

- interior

33546 20 1.84 B.S

1131.19 14 .134

Tryles

913 J. 34 1.17543.3.11

ALC: SHE

West and

1 and With a set

an get

Sale & Car

Display of certi-

ficates of

verifica-

tion.

23. (1) A weight or measure which is, or is deemed to be, daly vertfied and stamped under this Regulation shall be deemed to conform to the standards established by or under the Central Act at every place within the Union territory of Lakshadweep unless it is found on inspection or verification, that such weight or measure does not conform to the standards established by or under that Act.

non when the definition of the Particle of the

A. 191

- 1

电子关键 空气的 化合物合金

- V.S. 640 J iciti and NACOME 7.1 30 5. N. 18 A STR ME 290

(2) No weight or measure which is, or is deemed to be, duly verified and stamped under this Regulation shall require to be re-stamped merely by reason of the fact that it is being used at any place within the Union territory of Lakshadweep other than the place at which it was originally verified and stamped: Rephylon and the only of power matches the reaction with

wast with a second processing the property of the Provided that where a verified weight or measure, installed at one place, is dismantied and re-installed at a different place, such weight or measure shall not be put into use unless it has been re-verified and stamped, notwithstanding that periodical re-verification of such weight air measure has not become dile and a train whether a many

10

**計 种**些

t or time

ıs to

stamp

diation.

12 .53

nnot.

take 👔 be

(3),

(1)

cs of

e or

put 1 of

ued

irds

ure

ped

led.

634

j.

ion

ach

ion

Ð

di.

.18

- 社会

to

ice

9C-

ho ូវៗ Ý.

eđ

ĕð

h ¥łt

14

1e

at id

586

### CHAPTER VIL

INSPECTION, SEARCH, SEIZURE AND FORFEITURE

(1) An Inspector may, within the local limits of his jurisdiction, Power to inspect. meet and test, at all reasonable times, any weight or measure which-

(i) is being, or is intended to be, used, or

(ii) is in the possession, custody or control of any person, or

the (iii) is in or on any premises,

such circumstances as to indicate that such weight or measure is being, is intended or likely to be, used in any transaction or for industrial muction or for protection, and may also verify whether such weight measure is in conformity with the standards established by or under Central Act. 44.4.41 32 - 64:5

. Stafs (2) For the purpose of ascertaining the correctness of any weight or measure used in any transaction, any Inspector may also test the weight or measure of any article sold or delivered to any person in the course of such transaction. 

25. (1) An Inspector may, if he has any reasonable cause to believe that an offence punishable under this Regulation has been, or is likely to be, committed in respect of any weight or measure or that any weight or measure does not conform to the standards established by or under the Central Act, require at all reasonable times, the person having the custody or control of such weight or measure to produce before him for inspection every such weight or measure which-

(i) is used by such person or is caused by such person to be used by any other person, or

(ii) is in the possession, custody or control of such person for use, or

60. It was confidently the Market M Market (iii) is kept in or on any premises for use in any transaction or for industrial production or for protection.

(2) The Inspector may also require the production of every document or other record relating to the weight or measure referred to in sub-section (1) and the person first mentioned in that sub-section shall

comply with such requisition. (3) On inspection, whether under section 24 or under this section, the Inspector may obliterate the stamp on any weight or measure-

(a) which does not, or cannot be made to, conform to the standards established by or under the Central Act:

Provided that where the Inspector is of opinion that the defect or error an such weight or measure is not such as to require immer diate obliteration of the stamp, he shall serve a notice on the user of such weight or measure informing him of the defect or error found in the weight of measure and calling upon him to remove the defect or error within such time hold exceeding ten days, as he may specify and shall a visual visual visual of the second visual v

Lige House thing to remove the defect or error within that period, obliterate the stamp, or

Power of Inspector to require production of weight or measure or records for inspection.

6 1 A 2 C 的中心在影响 neiga ar v (m) 5/1-2004

16526 10

1.11

Si Avior?

in a state

[PART II

ાયુઆવી. ગેલાબર્ન (ii) if the defect or error is so removed as to make the weight or measure conform to the standards established by or under the Central Act, verify such weight or measure and put his stamp thereon;

(b) which does not admit of proper adjustment owing to its being broken, indented or otherwise defective;

(c) which, since the last verification and stamping has been repaired or re-adjusted but does not, after such repair or readjustment conform to the standards established by or under the Central Act:

(d) which, being due for verification, has not been submitted for such verification.

Power of Inspector to enter premises.

St 198. 4

ittagi (). oʻ

ាដផ្ទត្តតែ

enganne) Storigense

tight

er estate auto or

i africian Vistari est

公司会社的工作

ectop : Adaptes

823124

Power to

search.

5 S & C & C

26. (1) An Inspector may, if he has any reason to believe, whether from any information given to him by any person and taken down by him in writing or from personal knowledge or otherwise, that an offence punishable under this Regulation has been, or is likely to be, committed in relation to any weight, measure or other goods which are sold, delivered or distributed by weight, measure or number, enter at all reasonable times into any premises—

(i) where such weight or measure is used, or kept or believed to be kept for use, in any transaction or for industrial production or for protection,

(ii) where such goods are manufactured, packed, distributed or sold or kept or offered for sale in packaged form,

and inspect or verify any weight or measure of the net contents, by weight, measure or number, of any package, and may also examine any document or other record relating thereto.

(2) An Inspector may at all reasonable times enter into any premises for such purposes other than those specified in sub-section (1), as may be prescribed.

27. (1) Where the Controller has reason to believe that any weight or measure, liable to be seized under this Regulation or any document or thing in relation to any weight or measure, will be in his opinion useful for, or relevant to, any proceeding under this Regulation, is secreted in any place, he may search or authorise any officer, not below the rank of an Inspector, to search for such weight or measure, document or thing, and the provisions of section 100 of the Code of Criminal Procedure, 1973 shall apply to every such search.

(2) Every authorisation made by the Controller under sub-section (2) shall be deemed to be a warrant referred to in section 100 of the Code of Criminal Procedure, 1973.

28. (1) An Inspector may seize and detain any weight or measure in relation to which an offence under this Regulation appears to have been committed or which is likely to be used in the commission of such offence, and may also seize and detain any goods sold or delivered, or called to be sold or delivered, by such weight or measure:

Power of Inspector to seize any weight or measure.

he

or աt

its

en

εť4

al

зđ

er

yу

2e зđ

1-

1-

d

n

1

d

2 of

2 of

evided that where any goods seized, under this sub-section are to speedy or natural decay the Inspector may dispose of such n such manner as may be prescribed.

Where any weight or measure or any article is seized and detained er sub-section (1), the Inspector may also seize and detain any document of other record relating to such weight, measure or article.

Section 20 29. If, on verification of any commodity in packaged form, the net right measure or number of commodity contained in the package or mainer is found to agree with the net contents thereof, as stated on a label thereon, the Inspector shall, where the person from whom such ammodity was obtained for verification is-

(a) the manufacturer or packer of such commodity, get the **official** commodity re-sealed or re-packed, as the case may be, or

(b) a person who buys or sells such commodity, in wholesale or retail, acquire such package or container on payment in cash to such wholesaler or retailer the market price of the commodity contained in such package or container.

30. Every false or unverified weight or measure seized under the provisions of this Regulation shall be liable to be forfeited to Government.

#### CHAPTER VIII

#### PROVISIONS WITH REGARD TO COMMODITIES IN PACKAGED FORM SOLD OR DISTRIBUTED WITHIN THE UNION TERRITORY

31. (1) The provisions of the Central Act with regard to commodities in packaged form shall, as far as may be, apply to every commodity in packaged form which is distributed, packed, sold, kept, offered or exposed for sale in the Union territory of Lakshadweep as if thuse provisions were applicable to trade or commerce within the Union territory subject to the modification that any reference therein to the Central Government and the Central Act shall be construed as references, respectively, to the Administrator and this Regulation.

mer.(2) An Inspector may, from time to time, inspect the weight or measure, or count the number, of the commodity contained in any package which is then shi to selles all ye bearing as the production of Hela drakept at any place where the commodity is packed, or

(ii) kept, offered or exposed for sale, or

(iii) sold, delivered, "held" in possession or is in the process lof delivery, le gua tagainte aver de l'antra de la sub-1.2.3

within the Union territory with a view to determining whether the package contains the quantity or number of the commodity as specified con it or on the label thereon, the same investigation of the standard the than appropriately with the 355

(3) Where the Inspector finds, after weighing, measuring or ing, that, any package does not contain the quantity or number of the commodity, as specified on it or on the label thereon, or does not conform

Inspector to re-seal packages where net contents are found to have been correctly stated.

45

Forfeiture.

Sand

L. S. DECKY

**.596**55

10 A.

Provisions of the Central Act relating to packaged commodities to apply to packaged commodities sold or, distributed within the Union

territory.

F Sobly suff

## THE GAZETTE OF INDIA EXTRAORDINARY [PART II-

to the provisions of the Central Act or any rule or order made thereunder, he may seize such package and may also, by order, prohibit the sale of each package which is similar to the seized package and may so mark or seal each such package as to indicate clearly that the sale or delivery of such package has been prohibited, and no such package shall be sold or kept, offered or exposed for sale or delivery or otherwise disposed of unless—

(i) the content's of such package have been brought into conformity with the provisions of the Central Act or any rule or order made thereunder, by the manufacturer, packer or distributor thereof, or

(ii) the disposal thereof has been authorised by the Controller.

(4) No person shall keep in any place, where any transaction is made, any commodity in packaged form which is not for sale, and if any commodity in packaged form is kept in such place in contravention of the provisions of this sub-section, such commodity shall be presumed to have been kept in such place for sale.

### CHAPTER IX

无法的权力 新达品

# PROVISIONS WITH REGARD TO THE SALE OF COMMODITIES OF

1 . . .

Sale of commodities by number.

ar produce

a desport 10%. Conserver, 1844

e serve

and the second

1.800

Alson mon

32. (1) Where the sale of any commodity is made by number and the number of the commodity delivered to the purchaser in pursuance of such sale is lesser than the number paid for, the seller shall be deemed to have used a false measure.

(2) Where, in relation to any commodity sold by number, there is a custom or usage of delivering a fixed number of such commodities in addition to the number of commodities paid for, such custom or usage shall, on, and from the commencement of this Regulation, cease, and if the selfer delivers to the purchaser the additional number of commodities in accordance with such custom or usage, he shall be deemed to have abetted the use of such folse measure.

abetted the use of such false measure

sets of 33. (1) Where any commodity is sold by heaps, the approximate commodity weight, measure or the number of commodity contained in each heap ties by shall be conspicuously announced by the seller or his agent, if any, heaps, either by word of mouth or by a written notice placed on each heap:

Provided that no such announcement shall be necessary in the case of a heap the market price of the contents of which does not exceed one rupee.

(2) Where, on weighment, measurement, or counting of any commodity sold by heap, it is found that the weight, measure or number determined by such weighment, measurement or counting is less than the approximate weight, measure, or number announced by the seller or his agent and the deficiency is more than five per cent, of such announced weight, measure or number, the seller shall be deemed to have used a false weight or measure.

> Poteni Potence

18

t hygnigart Sorson

สตรฐสาวมสต

with trees

witter Self des 46

#### CHAPTER Xat an and the set of the de las secondas concertes a formas OFFENCES AND PENALTIES

#### 34. Whoever-

4**1**1

T TIN

-----

here-

t"the

ty SO

e or

kage

wise

čon-

rder

utor

ndi

Ting ller.

ι is

1. if

'en-

)re-

nd

of

ed

а

in

ę

μđ

7

p

e

9

in -(a) makes or manufactures, or causes to be made or manufactured (except where he is permitted under the Central Act so to do), any weight or measure in accordance with any standards other than the standards established by or under the Central Act, or (b) sells or otherwise transfers, or causes to be sold or otherwise transferred, or lets, or causes to be let, on hire, any weight or measure which has been manufactured in accordance with any standards other than the standards established by or under the Central Act.

Penalty for manufacturing. etc., of nonstandard weights or measures.

Penalty

feiting of seals,

> - 北韓 Sec. 420

> > Were May

indian's ...

weighte

\*6.899 No

201 100 B

Same and Minuí Mart

March V 43

20152 Sti nel

Tonto

terrer ph 11011 10.14

ten indi

य लोग के से भारती आखे

S. 191

hall be punished with imprisonment for a term which may extend to one year, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

5, 35. (1) Whoever

(i) counterfeits any seal specified by of under this Regulation counter or the Central Act, or a second 

addied with the second as the Coll of the (ii) sells or otherwise disposes of any counterfeit seal, or

(iii) possesses any counterfeit seal, or (iv) counterfeits any stamp whether made under this Regulat tion or the Central Act or any rule made under this Regulation or the Central Act, or is not in the balk supply and not in the main

(v) removes any stamp made, whether under this Regulation or the Central Act or any rule made under this Regulation or the Central Act or tampers with any stamp so made, or

(vi) removes any stamp made, whether under this Regulation or the Central Act or any rule made under this Regulation or the Central Act and affixes the stamp so removed on, or inserts the same into an uother weight or measured or build the through the laste

(01) will moreases or diminishes or alters in any way any weight or measure with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby,

be purposed with imprisonment for a term which may extend to two years and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(2) Meacver obtains, by unlawful means, possession of any seal specified his or under this Regulation or the Central Act and uses, or causes to be used, any such seal for making any stamp on any weight or measure with a view to representing that the stamp made by such seal nu seal and seal by or Wher this Regulation of the Central Act shall be pure with "in prising of for a term which may "extend to two years, the second nor subsequently brience, with "limplissiment for a term which may extend to five years and also with file.

(PART II-

(3) Whoever, being in lawful possession of a seal specified by or under this Regulation or the Central Act uses, or causes to be used, such seal without any lawful authority for such use, shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to, five years and also with fine. Caresto Arterial

(4) Wheever sells, offers or exposes for sale or otherwise disposes of any weight or measure which, he knows or has reason to believe, bears thereon a counterfeit stamp, shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine. Assialation

Penalty for sale or delivery of commodities, etc., by nonstandard weight or measure.

Partie

Sec. and

anno est

Section Section  $(24)_{\rm M}(9.8)$ 

- જાર્ચલે બુલ

、读书3点

ുറ നിട

48 S.A

36. (1) Except where he is permitted under the Central Act so to do, whoever sells, or causes to be sold, delivers, or causes to be delivered, any commodity, article or thing by any weight, measure or number other than the standard weight, measure, or number, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

(2) Whoever renders, or causes to be rendered, any service in terms of any weight, measure or number other than the standard weight, measure or number, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine. at make aat i 44

37. (1) Whoever keeps any weight or measure other than the standard weight or measure in any premises in such circumstances as to indicate that such weight or measure is being, or is likely to be, used for any-

> (a) weighment or measurement, or 1. 1. 1. 1.

(b) transaction or for industrial production or for protection,

en juli

in the second second second second  $\{\cdot, \cdot\}$ . . . shall be punished with fine which may extend to two thousand rupees. and, for the second or subsequent offence, with imprisonment for term which may extend to one year and also with fine.

#### (2) Whoever,-

(i) in selling any article or thing by weight, measure or number, delivers, or causes to be delivered, to the purchaser any quantity or number of that article or thing less than the quantity or number contracted for or paid for, or

(ii) in rendering any service by weight, measure or number, renders that service less than the service contracted for or paid tor, brown grands to supply and all less and you, black as a company

363 T of anno a stime \_ ÷.^¢≩ (*iii*) in buying any article or thing by weight, measure or number, receives or causes to be received, from the vendor any quantity or number of that article or thing in excess of the quantity or number contracted for or paid for, or 

Penalty for keeping nonstandard weights or measures for use and for other contra-

ventions

11

y or

ised.

shed

, for

hich

oses

eve.

aent

bse-

five

to

verıber

hed

the

nay

ms

.ea-

wo

жi-

e.

in-

to

ed

és.

0-1-2-

r,

đ

 $\mathbf{0}$ 

. Ne

ŗ,

10

Ţ

(iv) in obtaining any service by weight, measure or number, obtains that service in excess of the service contracted for or paid diffuo

nall be punished with fine which may extend to five thousand rupees, nd, for the second or subsequent offence, with imprisonment for a semowhich may extend to five years and also with fine. Mark 34

(3) Whoever enters, after the commencement of this Regulation, ito any contract or other agreement (not being a contract or other preement for export) in which any weight, measure or number is expressed in terms of any standard other than the standard weight, measure or number established by or under the Central Act, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

of 38. Whoever, in relation to any specified class of goods, undertakings of users of weights or measures, uses in any transaction or for industriel production or for protection, any weight, measure or number; other than the weight, measure or number specified by rules made under section 10, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment, for a term which may extend to one year and also with fine

39. Except where he is permitted under the Central Act so to do, whoever, in relation to any goods or things which are sold, transferred distributed or delivered, or any service rendered,—

(a) quotes any price or charge, or makes any announcement with regard to the price or charge, or the start of reveal (1) of a start of the price or charge, or (b) issues or exhibits any price list, invoice, cash memo or other of a document, or on of haps and and start bedained of lists of (c) prepares or publishes any advertisement poster or other document, or a full ally sale bus may an or bistor and doing document, or a full ally sale bus may an or bistor and doing

"deight, measure of number of the het con-"tents by any package of any label, earton or other thing, of an earton instruction of grant of the or of grant of the or of grant of the (c) nexpresses in relation to any transaction, industrial, product, it ton, or projection, any quantity or dimension, and the or of grant of the second of the order of the order of the order of the order of the instruction of the order of the order of the order of the order of the second of the order of the order of the order of the order of the instruction of the order of the ord

otherwise than in accordance with the standard units of weight, mean sure of numeration, shall be punished with fine which may extend to two theirs and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine monthly chain a second or subsequent offence.

bisizer fen donty and div adamig ad list. To object a side deat A. Where in heing required to obtain a licence under this Regular tion, makes, manufactures, repairs or sells any weight or measure, without being in possession of a valid licence, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one year, or with fine which may extend to one year, or with fine scond examined the two thousand rupees, or with both, and for the scond examined rupers and figure of the school which only extend to one year of the second which only extend to one year of the second examples and the second of the second of the second which only extend to define a second which intervent the second which only extend to define a second which is the second which only extend to define a second which is the second which only extend to define a second which is the second which only extend to define a second which is a second which only extend to define a second which is a second which only by the second which is a second which is a second which only by the second which is a second which is a second which only by the second which is a second which is a second which only by the second which is a second which i Penalty for contracention of section 17.

Penalty for conturrenties of section 36

Penalty for.contrayention of section 10.

Penalty in contravenion for contravento of travention of section 11. Penalty for contraventy for contraventy for contraventy for contraven for confor conf

Penalty for contravention of control 2100 areas

Penalty tiar contravention 26 when we have 2

#### THE CAZETTE OF INDIA EXTRAORDINARY PART I

Penalty for contravention of section 17. Penalty for contravention of section 18.

WARD STA

for \_00.4 maintervett

at she that

Penalty

for contravention

of section

Penalty for con-

travention

of section

846 (R.)\*

101 834

20

'n

41. A licensee, who after suspension or cancellation of the licence issued, renewed or continued under this Regulation, omits or fails to stop functioning as a licensee under this Regulation, shall be puttished with imprisonment for a term which may extend to one year. no remarkations when a set is applied to prove the aid this £Ľ

42. Except where the is permitted under the Central Act sovtorde, whoever makes or manufactures any weight or measure which,----

(a) though estensibly purports to conform to the standards dist. established by or under that Act does not actually conform to the Missaid standards, or can addit of the set of the set of the second of the second of the second set of (b) bears thereon any indication of weight or measure which 145 is not in conformity with the standards of weights or measures es 365 tablished by or under that Act, whether such indication is or is not ාස්ත්රීම්ම ගත්ද යට්ට එ in addition to the said standards,

shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for auterm which may extend to three years and also with fine of the radio

43. Whoever sells, uses or keeps for use any weight or measure which being required to be verified and stamped under this Regulation has not been so verified and stamped, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend 19. WEREY to one thousand rupees, or with both, and, for the second or subsequent 1000.000 offence, with imprisonment for a term which may extend to one year tion of and also with fine. M ghi 138

44. Whoever, being required by section 20 to maintain any record or register, omits or fails to do so, or being required by an Inspector to produce any records or registers for his inspection, omits ar fails to do so, shall be punished with fine which may extend to one thousand rupees, and, for the second, or subsequent offence, with imprisonment for a term which may extend to one year and also with fine. ០ ៅលោងអាចាប់

Penalty ... for contravention of section

45. Whoever, being nequired by section 21, to present any weight or measure for verification or re-verification omits on fails, without any reasonable cause to do so, shall be punished with fine which may extend to five hundred rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine. other via theating evendance with the material and a compation

Penalty for contravention of section 25. . .,

学科的特别 +103 30**1** - 3397833 30.000 Penalty 31. travention of sections 26.

46. Whoever, being required by an Inspector, or any person author? rised by or under this Regulation to exercise the powers of an inspector to produce before him for inspection any weight or measure, or any document or other record relating thereto, omits or fails, without any reasonable cause, to do so, shall be punished with fine which may extend to one thousand rupees, and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine protomor ad bade daman of With and the states had transferrarging saas as it node 3000 an 600**6** 1987

147 a Whoever obstructs the entry of an Inspector, or any person authorised by or under this Regulation to exercise the powers of an Inspector, into any premises for the inspection or verification of any weight or measure or any document or other record relating thereto or

nce to

hed

137 d

nna

dø,

V : 28

rds

the

7**X**9

ich

egg

iðti

ខណ

to

th,

PF:

fto

:h<sup>a</sup>

**5t**1

<u>م</u>ر

d.

it.

 $\mathbf{r}^{v}$ 

di

d.

0

Ö

١,

1

2

net contents of any packaged commodity or for any other prescribed rpose, shall be punished with imprisonment for a term which may tend to two years, and for the second or subsequent offence, with imisonment for a term which may extend to five years. the star straight with the second of the second start of the 

48. Whoever prevents the Controller or any officer authorised by the Controller in this behalf, from searching any premises or from Haking any seizure of any weight, measure, packaged goods, document, record or label, shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with or new effort officer contactised by the Costralics shall be particular series charge Benchmark a restan warm divided being in and Providentifyrant.

49. (1) Whoever manufactures, packs, distributes, sells or keeps for sale or offers or exposes for sale, or has in his possession for sale, any commodity in packaged form, shall, unless each such package conforms to the provisions of section 31, be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with extend to 'x' months, or with the which truy, extend to one the triper to a with both

(2) Whoever manufactures, packs, distributes or sells or causes to be manufactured, packed, distributed or sold, any commodity in packaged form, knowing or having reason to believe that the commodity contained in such package is lesser in weight, measure or number than the weight measure or number, as the case may be, stated on the label thereon, or it does not conform to the provisions of the Central Act or any rule or order made thereunder, shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine, of astationed abane abor you the purch we with inputation of the different which may extend to one provents with the which they betend is the changed pupping diay 72.02

50. Whoever is deemed under section 32 to have used, or abetted the use of, any false measure, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two theusand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine. relation to any manufacturing process he shall be punished with in-

stands swhoever sells any commodity by heaps without complying with the previsions of section 33, shall be punished with fine which may extend to the thousand rupees, and for the second or subsequent offence, with is somment for a term which may extend to six months, or with fine which may extend to one thousand ruppes or with both correst

## Benefit when Tionteriage but at the answer of the treatment when the terms of

hoever alters or otherwise tampers with any licence issued or remarks, under this Regulation or any rule made thereunder, otherwise than in accordance with any authorisation made by the Controller in this teach, philb be punished with fine which may extend to two thousand the estimate to punished with me which may estimate to two thou-sand the estimate of with imprisonment for a term, which, may, estend to one "years of with Burning mires ponsing a term, which, may, estend to one

In the W -solir / into noti susciosify te Catholic an 1976S tion of Penalty for contravention of section 32.

1

-198 add

A. Beland

17.8 MS ( ))

Sec. Barrie

Penalty

for contravention

of sections

27 and 28.

26.362.34273

Penalty :

travention

of section

3. and and

pull and

\* C) 2-103

-ojora -jo-

faining

abhonor

atoria do

felse

for con-

1.1

to mith

ar in

gran i i -245 ALSO

Penalty for contravention of section 33.

Penalty for tampering with licence.

Penalty for selling or delivering rejected weights and finea sures? 301 travention of sections' 27 and 28. 52

가 <sup>3</sup> ~ 안 있었거 : 1

both.

Penalty. for personation of officialsof -JEDD - 10<sup>1</sup> actice vent PenaRy 10 for giving false information or maintaining 🗄 offalse .... ii records

or regis-

ters.

Wilful verification or disclosure in contravention of Iawimp 1 is glob gol

traventions

noities to

32.

1. <sup>1</sup>. . . . .

٤. Pennity 10 cont Vexatious search. <sub>SE</sub>

P. C. States -mak hat in solution et excitting il samoall

be 53. Wavever sells, delivers prodisposes of or causes to be sold deliwered bridisposed of anysweight or measure which has been rejected on verification under this Regulation or the Central Act, or any rule made under this Regulation or the Central Act, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both 30 and 20

the Court Provided that nothing in this section shall apply to the sale, as scrap, of any rejected weight or measure which has been defaced in the presmay extend to every and for the second manner of sequent offers, with

54. Whoever personates, in any way, the Controller or the Inspector or any other officer authorised by the Controller shall be punished with imprisonment for a term which may extend to three years.

ter and shares

sale or office ing many manager and 14 2 34 0 LAN COLFF SEES THE SALES 55 (1) Whoever gives information to an Inspector which he may require of ask for in the course of his duty and which such person "either Knows of has reason to believe to be false or does not believe to be true 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): When you modulation as packed distributes Sells or selling 282 (2) Whoever, being required by or under this Regulation south do, maintains any record or register, which is false in any material partscular, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine of the foll

airy mile of mile usede Thereinder she to provide with with imbirison 56. (1), If any Inspector or any other officer exercising powers under this Regulation or any rule made thereunder wilfully verifies or stamps any weight or measure in contravention of the provisions of this Regulation or of any rule made thereunder, he shall for every such offence. be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with yon 82, too h we

nto Gorra

(2) If any Inspector or other efficer who enters into any premises in the course of his duty wilfully discloses, except in the performance of such duty, to any person any information obtained by hinr from such premises with regard to any trade secret, or any secret in relation to any manufacturing process, he shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both. the which may care 

The Am Inspector of any other officer exercising powers under this Regulation on any rule of order made thereunder who knows that there are no reasonable grounds for so doing, and yet\_ 182 volta

(a) searches, or causes to be searched, any house, conveyance b on place of the dian storing extrant 3.5 rent when the delt of the first on the 'o (0)" searches any person, or accesses with . H 611 selzes any weight measure or other movable property, 141 osnall, for every such offence, be punished with imprisonment for a term

[PART H2\_

- 61

-(5)

n2

defi-

cted

rule

with

fine

Self

rap,

res-

şm

Hur

光h

lite.

10) 1ay

son

e e

iay

'nð

do,

ti-

nd

ınt

łţ.

6

er

ÐS

12-

îe,

1e

th

es

r-

n

n

D'

Offerres 20 Penalty for contraventions not

separately

provided

Presumption to be

madelins

certain

cases

is en de la

 $\langle \cdot, \cdot \rangle$ 

**Utan**sfoi or tranks

1. Transiena

Cognize 70.

ance offer

offences.

for.

53

and supers, or with both the the manuer store war grand B Wheever contravenes any provision of this Regulation for the wention of which no punishment has been separately provided for Regulation, shall be punished with fine which may extend to itwo ousand rupees. and genistred accordings : Amy ded that antitude call of basis approximation and balance med warson l'aide to punisheron if he energy tout the offence was a

may extend to one year, or with fine which may extend to two

mitted without he knowle ige of the he had emoriad without he flighting (a) makes or manufactures, or causes to be made or manufactures. unifured any false weight of measure or the suboated wind (2) of the superstant of t

measure in any, transaction or for industrial production or for pro-

in tection, or secretary, as often offeed of the directors, manager, (c) sells, distributes, delivers, or otherwise transfers, or causes bnc to be sold, distributed, delivered or otherwise transferred, any false paintshed according or unverified weight or measure,

Explanation .-- For the purposes studius section, is shall be presumed, until the contrary is proved, that he had done so with the knowledge that the weight or measure was a false or unverified weight or, measure, as the case may be northfor no " tostio" (0).

sni (2). If any person has in his possession, custody or control any false or unverified weight or measure in such circumstances as to indicate that such weight or measure is likely to be used in any transaction or tor industrial production on for protection, it shall be presumed, until the bontrary is proved, that such false or unverified weight or measure was possessed, held or controlled by such person with the intention of using the same in any transaction or for industrial production, or for protection 

constrainterior to that of a Judicial Magistrate of the first 60. (1) Any employer who knows or has reason to believe that any person employed by him has, in the course of such employment, contravened any provision of this Regulation or any rule made thereunder, shall be deemed to have abetted an offence against this Regulation: <sup>101</sup> 101 Insertion to sensitive on the statistic M s of viruan <sup>30</sup> Provided that no such abetment shall be deemed to have taken place if such employer has, before the expiny of seven days from the date-Lah Mishes

St 3 . (a) on which he comes to know of the contravention, or intimated in writing to the Controller the name of the person by whom such contravention, was made and the date and other particulars of such contravention contravention. as the Controller or such other officer may specify;

(2) Whoover is deemed under sub-section (1) to have abetted an offence against this Regulation shall be "punished" with dimprisonment for a term which may extend to one year, or with fine which may ex-tend to two thousand rupees, or with both.

Economic Dismissal or termination of service of an employee after the provise the period specified in the provise to sub-section (1) after the sector of the period sufficient differences in this sub-section?

When employer to be deemed to have abetted an

offence.

Construct authority 10 - La 10 1.1805.9770 Se de la

Approx

#### THE GAZETTE OF INDIA EXTRAORDIMARY T [PART 1]

Offences by companies vitans -nov rol unvert

traven, traven, tions, not segnoutely provided for for the tion to be thade in certain cases.

5

5.2

 $1 \times \Omega_{2}$ 

Service ;

indertaang Colonaang

hann dig A- Shey

- 19. Or.s

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

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

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

Explanation.—For the purposes of this section,— OR OUCH (a) "Company" means any body corporate and manuales a firm or beiling on the association of individuals; and we all test set would do not the

(b) "director", in relation to a firm, means a partner in the firm.

selet no forthon in the anything contained in the Code of Chiminal staff. Notwithstanding anything contained in the Code of Chiminal Procedure 1973 ne ni beau of al alution of an intervention of the data and the court shall take to all alution of an intervention of the shall be subset this Regulation except upon a complainty in writing made by the Controller of any other officer authorised in this behalt by sthe to the Controller of any other officer authorised in this behalt by sthe to the Controller of any other officer authorised in this behalt by sthe to the Controller of any other officer authorised in this behalt by sthe to the Controller of any other officer authorised in this behalt by a the

63. (1) Any offence punishable under section 37, 38, 39, 49, 42, 43, 44, 45, 45, 49, 51, 59, 58 or sub-section (3) of section 69 may either before or after the institution of the prosecution, be compounded, by the Controller or such other officer as may be specially authorised in this behalf by the Controller, on payment for credit to the Government of such sum as the Controller or such other officer may specify:

ne bettede exced of (1) noite-sedie many case, exceed the maximum trop Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Regulation for the offence so compounded.

(1) (2) Nothing in sub-section (1) shall apply to a person who commit (1) (2) Nothing in sub-section (1) shall apply to a person who commit the same or similar offence within a period of three years from the dat on which the first offence, committed by thin, was compounded.

Cognizance of offences.

5.34

iliti oʻ<u>r</u> Cari e stari

When emp over to be deened to have betted an offence.

Compounding of offences.

diantition .- For"the purpose of this sub-section. any second or offerice committed after the expiry of a period of three years the date"on "Which the offence was previously compounded, shalls authorized in this behalf by the Administselfeffo train ad of beme

Where an offence has been compounded under sub-section (1); receeding or further proceeding, as the case may be shall be taken inst the offender in respect of the offence so compounded, and the nder, if in custody, shall be discharged forthwith if and believer No offence under this Regulation shall be compounded except provided by this section. Support to bolice and indive provided by this section.

64. The provisions of the Indian Penal Code, in so far as such protions relate to offences with regard to weights or measures, shall not to any offence which is punishable under this Regulation 3 1911s "heard"and after making such inquiry, as if deems, proper, make, such Weder as a man that sit, coalimning, modifying or reversing the decision The abduent down they can be that the react of any second and men bled handbarda gallen anda misinah fizzer e hat ta danah durar 21622936<sup>(2)</sup>

Previsions of Indian Penal Code not to apply to any offence under thia Regulation.

## toustynd CHAPTERSKID (Ind. hand) view (6) mand the second ovil-they have stability

65. (1) Where the business of a person licensed under this Regu-lation is transmitted by succession, intestate or testamentary, the heir or trans-or legatee, as the case may be, shall not carry on the business of such licensee either in his own name or in any other name, unless the heir ness. or legatee has, before the expiry of sixty days after the date of such transmission, made to the Controller an application for the issue of a lisence in accordance with the provisions of this Regulation boby and

section, so as to prejudicially affect any person unless such reported and problem and in poly and any person and problem and the poly of such any person and the poly of the heir or legatee from carrying on business as such licensee for the aforesaid period of sixty days, and, if he has applied for such licence, until he is granted the licence or is by a notice in writing informed by the Vyjer do not see the licence cannot be granted to him. Controller that such licence cannot be granted to him.

rol(2), Where the business of any person licensed under this Regulation is transferred by sale, gift, lease or otherwise, the transferree, or lessee as the case may be shall not carry on such business either in his own name or in any other name, unless he has obtained a licence to carry of such business o noticelling of not sequer business (a) (a)

measure Size Antoproprissued nor renewed under this Regulation, shall not be (c) ten rupees for the issue of slarsheart ariginether of place ficate of verification. In the second solution ad souther with

Licences neither saleable nor transferable.

and the one runce for every one hundred words or less for the 67. (1) Subject to the provisions of sub-section (2), an appeal shall Appeals.

lieairl) ""Chi frem every decision under Chapter V, VI, VIII or Regulation. IX of this Regulation, df-

Power to 2017 (1) The Administrator may, by notificationanting filles to 2117 effect to the provisions of this Frequential hereitibate as the to the Controller; and

make .89 DT

Transfer or trans-

> to yval 2991

(b) from every decision of the Controller under Chapter V, VI, 46 zre VIL VIII or IX of this Regulation not being a decision made in appeal under clause (g), to the Administrator, or any officer, appeally authorised in this behalf by the Administratomo with a set of the much set

(1(2) Every such appeal shall be preferred within sixty days from the date of the decision appealed against a become in the second and the advect of the decision appealed against a become in the second and the second and the second and the second at the

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, permit the appellant to prefer the appeal within a further period of sixty days.

if the indian Penal Code, is to far as such proannien ton(3) On receipt of any such appeal, the appellate authority shall, after giving the parties if the appeal a reasonable apportunity of being heard and after making such inquiry as it deems proper, make such order, as it may think fit, confirming, modifying or reversing the decision appealed against, or may send back the case with such direction as it may think fit for a fresh decision after taking additional evidence. if necessary.

(4) Every appeal shall be preferred on payment of such fees, not exceeding twenty-five rupees, as may be prescribed.

Mischel Amon

(5) The Administrator may, on his own motion or otherwise, call for and examine the record of any proceedings (including a proceeding in appeal) in which any decision or order has been made, for the purpose of satisfying himself as to the correctness legality or propriety of such algorithm of the correctness legality or propriety of such decision or order and may pass such orders thereon as he may think applies to other order and may pass such orders thereon as he may think applies to other order and may pass such orders thereon as he may think applies to other order and may pass such orders thereon as he may think fransmission, made to the Courrolles an application for the issue of

Provided that no decision or order shall be varied under this subj section so as to prejudicially affect any person unless such person has been given a reasonable opportunity of showing cause against the -91015 and all sections and no gairy of showing cause against the proposed action. and period for an borders applied for an inches while 68. The Administrator may by rules made under section 69 levy Controller that such these and the section of the such fees, not exceeding-1.42 "of the issue of fenewal of a ficence for

making, manufacturing, repairing or selling any weight or measure, (b) fifty rupees, for the alteration of any licence. varen h

(c) five thousand rupees, for the verification of any weight  $q_{1}$ measure.

on (a) ten rupees, for the adjustment of any weight or measure, (e) ten rupees, for the issue of a duplicate of a ficence or certificate of verification,

(f) one rupee, for every one hundred words or less, for the grant of copies of any document, not being a document of a confidential nature,

tiv (9) twenty five rupees, for, any appeal preferred under this Regulation. IN of this Real than of-

69. (1) The Administrator may, by notification, make rules to give effect to the provisions of this Regulation) for all has ( )

to the Controller Logo

Licences noither suleable nor (milaforable.

9ď.

Appeals,

Power to make rules,

-enant so mission C .... is und to anesse, seem

56

Transfer

WTH CS.

Levy of

fees.

Provisions

of Indian

vlgga of

to any 9.11920

ander

Regulaanit

sing

Penal Code not

(2) In particular, and without purjudice to the generality of the going power, such rules may provide for all or any of the following is it him dying on a star of shead a south of arol alt. (a) stance for the hearing of appeals

(a) the class of goods, undertakings or users in relation to which no transaction, dealing or contract shall be made or had except by such weight, measure or number,

(b) the places at which, and the custody in which, the following standards shall be kept, namely:---

en and (i) reference standards; aphonester and gates and of the total, diseard as after endors (ii) secondary standards; conduct handland one at which (iii) working standards;

(c) the person by whom or authority by which and the place at which the following standards shall be verified, authenticated and stamped, namely:-

## (i) secondary standards;

icensed manufacture a very weight of the working standards; (i) working standards; (ii) working standards; (iii) working standard (d) the form in which and the manner in which an application shall be made for the issue or renewal of a licence to carry on busifiess as a maker, manufacturer, repairer or dealer of any weight or measure; on a horosope of bottimus of fissis or seen on the sw the provisions of sections 25, 37 and 20 of the Control fuctions through e to (g) the form in which and the conditions, limitations and rest trictions subject to which any licence may be issued and the period of validity of such licence purplanes of Unda "to A lerter U" edit of bins the "Administrator" and "rids Regulation" (f) the sum to be furnished by a repairer as security by a

(2) Where the Administretor makes a streeting ander emberding to upling (9) the description of weight of measure which may be sold (by the provisions of section 36: 37 or 38 of the Central Acr in Fishing it that type of weight by measure shall be an offence punishable, under terrine (h) disposal of weights or mensural after cancellation of license Act shall be distribution of the proceeds thereof to hemely so distribution of the Regulation as if the said provisions relating to punishments were enact services of singley, of grittely relating to the strong of the services

to be maintained by makers, manufacturers, repairers or dealers;

(i) the period within which weights or measures shall be verified II. The provisions of this Regulation, in so far as thelireven to the verification and stamping of weights or measures used for industrial pitterenting dragov weights (all clusteres) industrial engaged in the manufacture of any arm of amount beyon ed to neo asing the (1) the form in which a certificate of verification of any weight or measure shall be granted;

(m) subject to the provisions of section 26, the purposes for which an Inspector may enter any premises;

(1) The Laceadive, Mintey and Amindivi Islanda Weights and Reidus are and a strains assaultion and a second a logar a hole and a logar a subject the second and a subject a peeds of natural decays a sum of numbers of the

1.10

-sluger 1.013 0106100 0. bon apply to the Armed Farbes 961 to Union

-action 8 AL 1993 (14)

apple form

10 tra Die Labor 12/2 107 2003

aop.evi.i

alsbam le

alt dilay.

elsingra ol

states he

-60.00 10 -mi -9302

> น้อยสาคม 37 03

> > 6.384

.avianlaza

वांडीबार्च स

ndinU sit

1.36 mas

. All and

87

Repeat DOR BALVER

PART II-

(0) manner of defacement of rejected weights or measures; grive tol but to this to the tot oblivery that each doug, new or grings to in (p) the form in which appeals may be preferred and the pro-

cedure for the hearing of appeals;

(g) the amount of fees which may be levied and collected for each of the matters specified in section 68; (a) the matters specified in section 68;

grid weight of the second state which is required to be, or may be, and the second state of the second sprescribed. 

(3) In making any rule under this section, the Administrator may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees. (iii) working standards;

(4) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication in the Official Gazette. glomus berduita

(i) secondary standary

#### Power of Administrator´to make provisions of Central Act relating to approval of models applicable to models of weights 'or measures intended to be used exclusive\_ ly within the Union

38

11

70. (1) Where any type of weight or measure manufactured by a licensed manufacturer is such that all the weights or measures of that type manufactured by him within the Union territory of Lakshadweep is intended to be sold, distributed or delivered therein, the Administrafor may, by notification, direct that the model of every such type of weight or measure shall be submitted for approval in accordance with the provisions of sections 36, 37 and 38 of the Central Act, and thereupon, the provisions of the said sections 36, 37 and 38 shall become applicable to such model and references in those sections to the "Central Government" and to the "Central Act" shall be construed as references respectively to the "Administrator" and "this Regulation".

(f) the sum to he formished by કાર ભારીકળવા નહ

(2) Where the Administrator makes a direction under sub-section (1) in relation to any type of weight or measure, any contravention of the provisions of section 36, 37 or 38 of the Central Act in relation to that type of weight or measure shall be an offence punishable under this Regulation and the punishment provided therefor in the Central Act shall be deemed to be the punishment provided therefor in this Regulation as if the said provisions relating to punishments were enact-ed by this Regulation.

to be indiate lead fry imakers, misinglacturiers, repair

## (f) the period within which weights of means that an verified

Regulation where not to apply to the Armed Forces of the Union.

territory.

71. The provisions of this Regulation, in so far as they relate to the verification and stamping of weights or measures used for industrial production of for protection, shall not apply to any factory exclusively engaged in the manufacture of any arm, or ammunition, or both, for the use of the Armed Forces of the Union, a dantw at man salt (1)

de incenture shall be granted.

101 which an Inspector may anter suy premises;

Repeal and we saving

346

(1) The Laccadive, Minicoy and Amindivi Islands Weights and Measures (Enforcement) Regulation, 1961 is hereby repealed. A LEAST RESERVESSED ISTREET TO V

5 of 1

015

r.

Ъ. 19

÷.

1.5

Without prejudice to the provisions contained in the General Act. 1897 with respect to repeals, any appointment, notification, rder, registration, licence, certificate, notice, decision, approval. sation or consent made, issued or given, under the Laccadive, ov and Amindivi Islands Weights , and Measures (Enforcement) nation, 1961 shall, if in force at the commencement of this Regulation mue to be in force and have effect as if made, issued or given under corresponding provisions of this Regulation.

> en di egit Marine & Carlos

N. SANJIVA REDDY, President.

## K. K. SUNDARAM, Secy. to the Govt. of India.

Repairing the two light bed, which so the Re-

Preveligence by the vice part of the local sector of the local sec

A Reputer assume a larger the other than gover in the Union **Transford** (Calles and Allen Friedd and to rould, for realizing **Commerce** Allen alle

in exercise of the measure configure by article 24h of the the term tion, the Diensitum is measured to provide the following descention nie he hin....

I The Wash Cleans Hard many to be used the Latter and Heart Street Since The filler determined (2) Realized to the whole it the Land Instarty it will and an a state of the state of the

(**) A shall constant for on the Carter be A more and the second second** g and mained in the Citchel Carette opposite

te dire Registric a graces dire aparent, other high ranges Plecint

A an init of the second second

Mar Calls 観日の日日 ann ann, ર્શના નારકાર noni (

N. A.

59

362

TITEL OF TITEL AND ANTICE ANT

997

(613)

sturt. Itsis:

RAM

nost

no.

sit

(b) "business" includes (i) any trade: connercelling manufacture or any adventiture or concern in the national trade commerce or any adventiture or concern in the national trade commerce or any adventitacture or concern in the national trade commerce or any adventitacture or any adventitacture or concern in the national trade commerce or any adventitacture or concern in the national trade commerce or any adventitacture or concern in the national trade commerce or any adventitacture or concern in the national trade commerce or any adventitacture or concern in the national trade commerce or any adventitacture or concern in the national trade commerce or any adventitacture or concerned trade commerce or concerned trade comme

(ii) any transaction of buying solling or supplying plant, machinery, raw materials, protecting meterials, packing materials, emptices, carkaAAULQAOAAL&Q products, or such other goods, or washe or serpand linea, which is ancillary or incidental do or resulting from which is ancillary or supplying domine on concern product commerce, manufac-

but does not ivelude and the Adams of the service or profession:

संह T1 5pise to 19 मई सिल्स, व्यहेल्पतिवीर, आप्रैल 20, 1978/मेंस 50, 1900 ( शक) No. 15] NEW DELER, THURSDAY, APRIL 20, 1978/ Adura 30/300 ( शक)

(d) "dealer" in and the set of the constant of the line business of set of the constant of the

the Government of India of an State or of hy Enton territory. MINISTRY OF LAW: State or of an State or of hy Enton territory. Scalanovion 1 Grandback Of Construction of the State of the and and the scalanovion 1 Grandback Of the State of the State of the State other association of the State of the State of the State of the State deemed to be a person for the State of this deminion.

XAT SALAS LAYAH RADAN GUA ARGAD HAT association of persent. 18764 AQITALUDER members is a dealer.

goliss, Kaplanation 2.-- A ta8791 70 SoreRer a commission agent, an

Explanation 5.—"Casual train means a dealer, who has series and whether of the same of the

Short title extent

and com.

mence-

Defini-

tions.

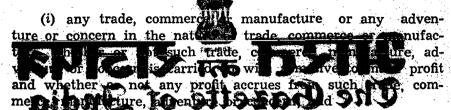
ment.

(3) It shall come into force on such date as the Adhibitstrating ay,

newitigen szivaning tenne seterasjon egitelegillesiet nione bas newitigen szivaning barting a seterasjon egitelegillesiet nione ont teeges diditings didschedbegen forming and brinde the agreed to be severed before sale or under the contract notabilizer (g) 'manufacture', with all its grammatical variations en cognate expressions, means (Rif) process of producing under the severes on start and the severes of the set

#### ST-(0)-0 .0/ 0 101721038 THE GAZETTE OF INDIA EXTRAORDINARY [PART II-

(b) "business" includes---



6D I

(ii) any transaction of buying, selling or supplying plant, machinery, raw materials, processing materials, packing materials, empties, consumable stores, waste products, or such other goods, or waste or scrapped divergent them, which is ancillary or incidental to or resulting from such trade, commerce, manufacture, adventure or concern;

but does not include any activity in the nature of mere service or profession;

(d) "dealer" means any person engaged in the business of buying selling, supplying or distributing goods and any first with the wise, in Dadra and Nagari Haveli and includes a casual trader or the Government of India, or of any State, or of any Union territory. 291A TIA Y'AAMOO (INA DITEUI, WAL TO YATZINIM Explanation 1. A Hindu, undivided family, a firm and any other association of persons whether incorporated or not will be deemed to be a person for the purpose of this definition.

Explanation 2. A co-operative society or a club of any association of persons, which soils goods to its members is a dealer.

Explanation 3.—A factor, "a broker, a commission agent, an another of the same description agent by whatever, name called, and whether of the same description agent by whatever, name called, and whether of the same description agent by whatever, name called, and whether of the same description agent by whatever, name called, and whether of the same description agent by whatever, name called, and whether of the same description agent by whatever, name called, and whether of the same description agent by whatever, name called, and whether of the same description agent by whatever, name called, and whether of the same description agent by whatever, name called, and whether of the same description agent by whatever, name called and who has and who has a set of the same and has and has the set of a dealer who resides outside Dadra and Nagar Haveli and the set of a dealer who resides outside Dadra and Nagar Haveli and the set of a dealer who resides outside Dadra and Nagar Haveli and the set of a dealer who resides outside Dadra and Nagar Haveli and the set of a dealer who resides outside Dadra and Nagar Haveli and the set of a dealer who resides outside Dadra and Nagar Haveli and the set of the set of the set of the description of a dealer of the set of the description of a dealer of the set o

Shoit title, extent and com, mencement.

> Definitions,

Explanation 5.—"Casual trader" means a dealer who has whe Hevelier experimental agents or iticany tother experiments of explanation of the selling, supply, or stistributions of expression of the selling of the sellin

(e) "Dadra and Nagar Haveli" means the Union textilory of Variation and Magar Haveli of the section of the sect

(f) "goods" means all kinds of movable property inor being newspapers, actionable chains, stocks, shares, including standing bus and all materials articles, and commodities, including standing ont trees, and things attached to or forming part of the land, which are agreed to be severed before sale or under the contract of sale 1984

(g) "manufacture", with all its grammatical variations and cognate expressions, means any process of producing, making,

\_15#C. 1]

45 of 186

Dis ` Kata

JE Sidextracting, altering, or an enting, of finishing, or otherwise procesvision from the standard of a standard of the standard of the such the transautactures on manufacturing processes, as may be prescribed;

(h) "Official Gazette" means the Gazette of India;"

benfulter (a) means prescribed in means prescribed in the made under this means regulation, dependent of prescribed prescribed prescribed in the dealer, which a set of the dealer the set of the set

of such goods:

the produced before the assessing attribute the assessing attributed by the produced before the assessing attributed before the second by the produced before the assessing attribution is produced by the assessing attribution is produced

this yns (k)noiregisteredid means registered under this Regulation;

tion, and includes a transfer of goods on hire-purchase or other system of payment by instalments, but does not include a mortgage

to bergestered dealer, he shall not except with the consent of the ('ontegistered dealer, he shall not except with the consent of the ('ontake place inside Bage bergen and shall reserve the shall be the shall

3. (1) For carrying out the purposes of this Regulation, the Administentiated miny approximation and the purposes of the second of the second

nous seionand (iii): in the lease of unaspertained por stuture grads ) at the barmost sime of their appropriation to the contrast of sale by the other or by the buyer, whether assent of the other party is prior or

(3) All persons appointed under sub-section (1) shall be deemed to release and another sub-section (1) shall be deemed to release and allaged to the section (1) shall be deemed to

as consideration for the sale of any goods, excluding any som allowed as cash discount or trade discount according to the practice iton wormally prevaiing in the trade, but inclusive of any sum charged web for anything done by the dealer in respect of the goods at the fine never of Defore the denvery thereof, other than the cost of freight or allowed or Defore the denvery thereof, other than the cost of freight or allowed by the cost of installation of the cost of insuface of the fine allowed by the cost of installation of the cost of insuface of the fine allowed by the cost of installation of the cost of insuface of the first

Regulation on all soles effected after the date so mound at the date so notified. Regulation on all soles effected after the date so notified. (n) "turnover" means the aggregate of the sale-prices received and received block of the sale of the sole of the sole of the sole of the sale of the sole of the

(i) the amounts hardved brieff by help fingethe) following formula:-

Rate of tax×aggregate of sale-prices

Provided rurther that a dealer with deale exclusion to one of an expected rurther that a dealer with deale exclusion of a star suig off in the specified in the Second Schedule on in respect of with a shirt by the specified in the Second Schedule on in respect of with the specified in the specified in the second Schedule of an expect of with the specified in the

Texin autho. sutho.

Incidence of tax.

551121

PARE II-

-esono procession and the transfer where the procession of the procesion of the procesion of the procession of the proce dous shulo different rates the alternation formula shall be applied suparately bedirozo in respectiof each part of the turnover liable to a different rate

(h) "Official Gazotte" means and Gazette of india to

benruter abong aldexat alle to sajirg ales to truome ants (ii) ade under this to the dealer, within the prescribed period, by the purchasers of such goods:

torm part of the provided that satisfation with the provided form part form part about the provided that satisfation of the provided that a provided the provided

noits legs Hyear" means as finished years but my relation to any particular registered dealer for the purposes of this Regulation (except serification for the purposes specified under sections 4, 5, 12, 13, 14 and 15) of means the year with reference to which, according to the option ectared by such dealer within the prescribed period, the accounts addition of the purposes of this section is the purpose. and includes a transpoor of groups on him burchise or other stated and and in benisting within one of the stated and the state of the stated and the state of the

Provided that where an option has once been exercised by registered dealer, he shall not, except with the consent of the Comof bermissioner and upon such conditions as the Commissioner may deternihiwmane smalle any variation me respect thereof suisit or place that territor

3. (1) For carrying out the purposes of this Regulation, the Adminis-Taxing onit and the short of being to be a Commissioner of Sales Tax, and such other persons to assist him as he thinks fit. autho\_

10192 CO LU

ont 16(2). The persons appointed under sub-section (1) shall exercise such is the second as the second street, and perform such duties as may be required,

or by the bayer, whether assent noising Regulation priordor (3) All persons appointed under sub-section (1) shall be deemed to

The public servants within the meaning of section 21-31 the Indian Penal as consideration, for the safe of any goods, excluding anshabin

allowed as cash discount or trade discount according to the practice ation in the Official Gazette, appoint, being not earlier than thirty days aff to the date of the said notification, every dealer whose gloss, throver during the year immediately preceding the commencement of this Regula-

ion exceeded the taxable quantum shall be liable to pay tax under this Begulation on all sales effected after the date so notified: unnover means the aggregate of the sale-prices received turnover. and responsed that different dates may be appointed for goods and

(i) specified 91 The FHSE Schedule is borring a given period al shubber of the specified of the sector of the specified of th

sniwolloi (ii) is maining in the Third Schedule, work of (i)

(iii) not specified in any Schedule:

Hate of taxy/aggregate of sale-price: Provided further that a dealer who deals exclusively in one or more classes of goods specified in the Second Schedule or in respect of which standate has been appointed shall not be hable to pay any tak under this shall be made if the anount by way of tax collected not all

formula:-

tered dealor in accurdance with the provisions of this Hegula is the second of the second to the second of the second of the second of the second of any war exceeds taxable quantum at any time within such year, be liable to pay tax

Incidence of tax.

rities.

#### I 1941 THE CASETTE OF INDIA EXTRAORDINARY

the sales affected after the date on which his gross tumoyer the bay play in the sales affected after the date on which the sales the sales affected after the date on which his gross tumoyer the sales affected after the date on which his gross tumoyer the sales affected after the date on which his gross tumoyer the sales affected after the date on which his gross tumoyer the sales affected after the date on which his gross tumoyer the sales affected after the date on which his gross tumoyer the sales affected after the date on which his gross tumoyer the sales affected after the date on which his gross tumoyer the sales affected after the date of the base of the sales affected after the date of the base of the sales affected after the date of the base of the sales affected after the date of the base of the sales affected after the date of the base of the sales affected after the date of the base of the sales affected after the date of the base of the b

(3) Every dealer who has become liable to pay tax under this fleulation shall continue to be so liable until the expiry of three consecuivenysars during each of which his gross turnover has failed to exceed the taxable quantum and such further period after the date of usuch expiry as may be prescribed, and on the expiry of this latter period his liability to bay tax shall cease any taking of this latter period his insplit and population of the provest of the period of the state of the taxable growther the date of the period his liability to bay tax shall cease any taking of the period of the period his shall be and the provest of the period of the period his the period his the period his the period his the period of the period his the period of the period his the period of the period his the period his the period of the period his the period his

ARDI TO PY

日本の「日本では、「日本でも、後のの

45 of 18

beel(4) Every dealer whose liability to pay tax under this Regulation bas reased under the provisions of sub-section (3), shall, if his gross turnover celculated from the commencement of any year again exceeds the taxable quantum at any time within such year, be liable to pay of two tax on the expiry of two months from the date on which such gross being on all sales effected after such expiry:

ed liProvided that a non-resident dealer or a casual trader shall be hable to pay taxion sales effected after the date on which his gross two over first exceeds the taxable quantum.

(5) In this Regulation, the expression "taxable quantum" means,-

(a) increlation to any dealer who imports on brings for sale any goods into Dadra and Nagar Haveli, on to whom any igoods are despatched from any place outside Dadra and Nagar Haveli, for sale or who manufactures or produces any goods for sale, and the value of goods imported or brought, or manufactured, or produced by biofiliam or despatched to him, during the year is not less than Rs: 1500.
 biofiliam on othousand five hundred) rates thousand rupees that for sale.

(b) in relation to any dealer who in or it could select it. (b) in relation to any dealer who in our of the selection of the

(c) in Felation (b) a non-resident being and with a solution (c) in the second second

Carl Star

Liability after cancellation of registration.

hea

Liability of dealers registered under Central Sales Tax Act

> Rate of tax.

Liability after cancellation of registration. **124** 

tion 5. Any, dealer, whose certificate of registration granted under settion 12n section 13, section 14, or section 15, has, been rancelled shall, if his gross turnover calculated from the commencement of any, year, or from any date within the year exceeds the taxable quantum at any time withiff such year, be inable to pay such tax after the expiry of one month from the date on which such turnover again first exceeds the taxable quantum on all sales, effected after such expiry, of goods imported from outside Dadra, and Nagar Hayeli, or manufactured, therein; black yray if ()

-100 Provided that a non-resident deater or a casual trader shall be liable to pay the on-all sales effected after the date of which any gooss taxnover days he could be taxable dilation in down on the number of as a set

Liability of dealers registered under Central Sales Tax Act.

Rate of

tax.

「茶口)開始(2) (中国) (1) (中国) (1)

1.8

hidia i de

新書 主義語

aid borreq retrained the table of the head included the borres of the table to pay tax under this Regulation in the section 4 or section 5, be liable to pay tax under this Regulation in the section 4 or section 5, be liable to pay tax under this Regulation in the section 4 or section 5, be liable to pay tax under this Regulation in the section 4 or section 5, be liable to pay tax under this Regulation in the section 4 or section 5, be liable to pay tax under this Regulation in the section 4 or section 5, be liable to pay tax under this Regulation in the section 4 or section 5, be liable to pay tax under this Regulation in the section 4 or section 5, be liable to pay tax under this Regulation.
be the section 4 or section 5, be liable to pay tax under this Regulation, the section of the section any period prior to the commencement of this Regulation.

elder, (1) The tax payable by a receiver this Regulation valiall be Neviet for the taxable turnover at the following frates manuely style of multiplication and allowing frates and allowing training the second states and the second states and

first exceeds the taxable quantum. the subback traff and mi befits aboog to the species in (a) (3) In this Regulation. The researcent invating www.inio angens.

the goods into Dudra and Magar Hayedure and Negar Haveli, for sale any goods into Dudra and Nagar Haveli, for sale and hay and hay a the goods into Dudra and Nagar Haveli, for sale in the being shoot goods the sale and Nagar Haveli, for sale in being sole about the sale and the sale in the being sole about the sale and the sale in the sale and the sale in the sale and the sale in the sal

Gazette: with the Administrator may, by notification in the Official Gazette: with the previous approval of the Central Government and to, or omit from, or otherwise amend the First and Third Schedules: with the Stor and the Sing and only the Sing of the Central (d)

alse Provided further that, if, in despect of saly goods to Classing goods the in diamistrance is interprint that it is despected in the intersists of the registering public so stord ophelaxy, with this are vious appendiated of the Central Government by indificit intermeter of special (Cazdity) direct blagt the sequence of special classifier of the constraint of the constration respect affitter times and interver of special class of goods shall, subject to such conditions as analy be (specified in its the antification, be levied at such modified rate not exceeding the rate applicable under this subject in the difference of the condition of the special of the conditions to a specified in the notification of the condition of the subject of the specified in the notification of the specified in the subject of the specified in the notification of the specified in the subject of the specified in the notification of the specified in the subject of the specified in the notification of the specified in the subject of the specified in the notification of the specified in the subject of the specified in the notification of the specified in the subject of the specified in the specified

(2) The Administraturdo vany other person asthorised in this dehalf may permit dealers, in such circumstances and under such conditions a may be prescribed, to compare the day assessable of the fit takable turn over under the provisions of this Regulation by paying in lieu thereof units such manner as may be prescribed and it takable turn out such manner as may be prescribed and it takable turn and such manner as may be prescribed and it takable turn other the provisions of this Regulation by paying in lieu thereof units such manner as may be prescribed and it takable turn and such manner as may be prescribed and it takable turn and such manner as may be prescribed and it takable to the addition of the prescribed and it to the such and the prescribed and such the provision of the expression if taxables turnover the prescribed pays in the such manner as the prescribed and the prescribed and additional the such manner as the prescribed and the prescribed of the such the such as the prescribed of the prescribed of the pays the such the such as the prescribed of the such as the second schedule, or in respect for which in the fills be appeared appoint.

and the section (1) hop section 40 or class of sales exempted from reprint the section (1) hop section (1) or class of sales exempted from reprint the section (1) or class of the section (1) or that section (1) sales to a registered dealer, not being the sales of goods (11) sales to a registered dealer, not being the sales of goods (11) sales to a registered dealer, not being the sales of goods (11) sales to a registered dealer, not being the sales of goods (11) sales to a registered dealer, not being the sales of goods (11) sales to a registered dealer, not being the sales of goods (11) sales to a registered dealer, not being the sales of goods (11) sales to be a section (11) sales (

bei verster isszelt is zelt in the zboog bidekariteten i energy to the the term is a self in the self of the the training interest is the training interest is the training interest. Act 1910, of goods for the training the training the training the term is the training the term is the training training the training training the training training the training tr

ro shart statt and i a serven set ai mid we shart is station of the Commissioner not to have taken place in Dadier same an Haveli or to have taken place in the course of inter-State rade or commerce within the two trooxs to section 3 of the course for a state of the set or in the course of teneor of the course for a state of the set or in the course of teneor of the course for a state of cools out of in the course of teneor of the course for a state of a state of the or in the course of teneor of the course for a state of a state of a state of the course of teneor of the course of the course of the state of the or in the course of teneor of the course of the state of the state of the state of a state of teneor of the course of the state of the state of the state of a state of the of the state of teneor of the state of teneor of the state of the state of state of the state of the state of teneor of the state of the state of the state of the state of state of state of the state of state of state of the state of the state of state of the state of the state of the state of stat

as raw materials for manufacture of taxable goods for sale within Dadra and Nagar Haveli; yam as solar within (19)

aboog to give tax never this Hegulation shall be the state of the stat

Provided that no deduction shall be allowed unless the dealer, (2) Notwithstanding any intervention of the second state of the second whose is the goods, furnishes in the prescribed manner. (2) Notwithstanding approximation of the second state of the second of the second state of the prescribed with the second state of the second of the second state of the second state of the second state of the second of the second state of the second state

The point of sale so not fled, shall be exempted from pagning and this Reputation.

(b) in the case of sales falling within items (ii) and (iii) to bot sub-clause (a), a certificate, in the prescribed form from the are purchased for resale in the course of inter-State trade or commerce or for resale in the course of export out of India or is tor resale after such export and that such goods will bell so Puspie berhimself of Byathy other registered dealer to it whom be resells the goods within nine months' from the date of such (2) Theedinates are may being an are being an area of the second area tral Government, by notification in the Official Gazette add to Taylided stathers that where any goods meetined in the certific of registration are purchased by a registered dealer for any of isnoses specified indsub-clause (a) drusub clause (b), but are By chinifor any other purpose of are sourced in the manuely Willing the meriod op resourced the advice of the poods, so to a possible of the selling the second term the grees tubed were of the selling and the Commissionary and person appointed under same (1) of section 3 to assist him shall, after giving the purchasterels and opportunity of being teaks in mossion a penalty lapon. the indiant of the termine the indomits of the twinner would Wsuch goods were subject to sales the arther fate what off the seller, in case he is responsistent for the shirt bar shirt bard the

Power of Administrator to prescribe points at which goods may he taxed.

Builden of

<u>Tax-iree</u> goods

> Exemp. tion.

#### THE GAZETEE OF INDIA EXTRAORDINARY IT [PARTI IL

mon bo(III), sales of goods, which are specified by the Administrator under sub-section (2) of section 8 as goods taxable at a point other than a point referred to in sub-section (1) of that section: go to soles of being the point of the soles (11) of goods

zbcon Provided that in the case of such sales proof of payment of tax at such point is adduced to the satisfaction of the Commissioner;

off in (IV) sales to any undertaking supplying electrical energy to the public under a licence or sanction granted or deemed to have been granted under the Indian Electricity Act, 1910, of goods for use by it in the generation of distribution of such energy;

10 alu (V) sales of goods which are shown to the satisfaction of the Commissioner not to have taken place in Dadra and Nagar Haveli, or to have taken place in the course of inter-State trade or commerce ate within the meaning of section 3 of the Central Sales Tax Act, 1956, or in the course of import of the goods into, or export of goods out of, the territory of India, within the meaning of section 5 of the said Act; riffin

it share. Aderet to grane was not state opan warns (VI) such other sales as may be prescribed. but subset

8. (1) The tax payable under this Regulation shall be levied on the taxable turnover at the point of sale to the consumer or to a person other than a registered dealer.

(2) Notwithstanding anything contained in sub-section (1) or else-where in this Regulation, the Administrator may, by notification in the Official Gazette and subject to such conditions, if any, as may be speci-fied therein, specify the point of sale in the series of sales by the first of the successive dealers as the point at which any goods of class of or the successive dealers as the point at which any goods or class of 2500 may be taxed, and on the issue of such notification, the sales at points of sales in relation to any such goods or class of goods other than the point of sale so notified, shall be exempted from payment of tax under

sales fulling within items for anti-(b) in the case

Burden of proof

Tax-free goods.

dealer he is not liable to pay tax under this Regulation state be on him the trade of commerce of for resule in the course of export but of India of a or 10, ((1) No tax shall be payable under this Regulation on the sale of geods, specified in the Second Schedule subject to the conditions and he resells the work within winister dean whether the hard of the work of the second se

91 9. The burden of proving that in respect of any sale effected by

(2) The Administrator may, with the previous approval druche Ce tral Government, by notification in the Official Gazette, add to or of Filips of builder and the string of the string of celling to child the string of celling the string of the string status (1) Subject to such conditions as the may impose the Admin fator may; if he considers it necessary so to do in the publication be notification in the Official Gazette, exempt any specified class di lengtop any specified class of sales from payment of the house of pate of any tax payable worder this Regulation more for such and related ection 11) of section 8 to assist film shall after diving the hatchasdod2) Where any specified class of dealers or class of sales is exe from payment of tax under sub-section (1) and if there here here here any of the conditions subject to which such exemption was grain the seller, in case he is responsible for such breach, shall be liphe

Power of Adminis\_ trator to prescribe points al which goods may be taxed.

W. A. Gard

Exemption.

bay tax on such sales as if no such exemption had been granted notwithtanding that he may not be liable to pay tax under section 4. But if he purchaser is responsible for the breach, the Commissioner or any person appointed under sub-section (1) of section 3 to assist the Commissioner shall, after giving the purchaser a reasonable opportunity of being heard, impose upon him a penalty not exceeding one and a half times the amount of tax which would result if such goods were subject to sales-tax at the rate leviable at the time of their purchase.

127

Registra

tion of

dealers.

(3) If the Commissioner or any person appointed under sub-section (1) of section 3 to assist the Commissioner, has reason to believe that the seller is liable to pay tax under sub-section (2), the Commissioner or such person shall, after giving the dealer a reasonable opportunity of being heard, assess the amount of tax so due.

12. (1) No dealer shall, while being liable to pay tax under section 4 or section 6, carry on business as a dealer unless he has filed an application in accordance with sub-section (2) or has been registered and possesses a registration certificate under this Regulation.

(2) Every dealer required by sub-section (1) to be registered shall make application in this behalf in such manner, within such time, and to such authority, as may be prescribed.

(3) If the prescribed authority is satisfied that the application for registration is in order, it shall, in accordance with such procedure as may be prescribed, register the applicant and grant him a certificate of registration in the prescribed form which shall specify all his places or business and the class or classes of goods, for the purpose of clause (II) of sub-section (3) of section 7.

(4) The prescribed authority may, from time to time, amend any certificate of registration in accordance with information furnished to it under section 26 or otherwise received.

(5) The Commissioner may, for good and sufficient reasons, demand from a registered dealer or from a person who has applied for registration under this Regulation—

(i) reasonable security for the proper payment of tax payable by him under this Regulation;

(ii) reasonable security for the proper custody and use of the forms referred to in the first proviso to clause (II) of sub-section (3) of section 7 which may be given to him by the prescribed authority.

(6) When any dealer has been convicted or has paid composition phey under section 38 in respect of any contravention of sub-section ) of this section, the prescribed authority shall register such dealer ad grant him a certificate of registration, and such registration shall the effect as if it had been made under sub-section (3) of this section upon the dealer's application.

(7) When\_\_\_\_\_

(a) any business in respect of which a certificate has been granted to a dealer on an application made, has been discontinued or transferred. or

ART II

istrator

ec. 1

t other : of tax ner; : rgy to have ods for of the Haveli, nmerce t, 1956, ods out

> on the 1 other

of the

r elsein the speciue first lass of ales at yr than under

l by a n him.

sale of 15 and

• Cenr omit

minis-

iterest,

f dea-

m any

xempt

ach of

anted, ble to

 $a^{M}$ 

(b) a dealer has ceased to be liable to pay tax under section 4 of this Regulation,

PART II-

the Commissioner shall cancel the registration.

(8) The Commissioner may, at any time for reasons to be recorded in writing and after giving the dealer an opportunity of being heard, cancel any certificate of registration.

Voluntary registration

13. (1) Any dealer, other than a dealer who deals exclusively in one or more classes of goods specified in the Second Schedule or in respect of which no date has been appointed under sub-section (1) of section 4, whose gross turnover during a year exceeds ten thousand rupees may, notwithstanding that he may not be liable to pay tax under section 4, apply in the prescribed manner to the prescribed authority for registration under this Regulation.

(2) The provisions of sub-sections (3), (4), (5), (7) and (8) of section 12 shall apply in respect of applications for registration under this section.

(3) Every dealer who has been registered upon application made under this section shall for so long as his registration remains in force be liable to pay tax under this Regulation.

(4) The registration of a dealer upon an application made under this section shall be in force for a period of not less than three complete years and shall remain in force thereafter unless cancelled under the provisions of this Regulation.

(5) Subject to the provisions of sub-section (4), a dealer registered upon application made under this section may apply in the prescribed manner not less than six months before the end of a year to the authority which granted him a certificate of registration for the cancellation of such registration to take effect at the end of the year in which the application for such cancellation is made; and the said authority shall, unless the dealer is liable to pay tax under section 4, cancel the registration accordingly.

Provisional regis tration. 14. (1) Any person who intends to establish a business in Dadra and Nagar Haveli for the purpose of manufacturing or producing goods of a value exceeding ten thousand rupees' per year, may, notwithstanding that he is not required to register himself under section 12, apply in the prescribed manner to the prescribed authority for provisional registration under this Regulation.

(2) If the said authority, after making such inquiries as it may consider necessary, is satisfied as to the bona fide intention of the person making the application, it may grant a provisional certificate of registration on such person furnishing such security as it may consider necessary and shall specify in such certificate the class or classes of goods for the purpose of clause (II) of sub-section (3) of section 7.

(3) Every person who has been granted a provisional certificate of registration under this section shall, for so long as such certificate is in force, be liable to pay tax under this Regulation.

(4) A provisional certificate of registration granted under this section shall be in force for such period as may be specified therein and the provisions of sub-sections (4), (7) and (8) of section 12 shall, so far as may be, apply to any such certificate of registration.

\_\_\_\_\_\_1\_\_\_8

٤đ

d.

in

12 :C-

29 on

is-

of

der

ıde

rce

.der

lete the

red

bed

tho-

ition

hall,

egis-

and

is of

iding

<sup>p</sup> the istra-

con-

erson resis-

ifler

goods

te of

te is

**(1)** , sec-

d the ar as VO

the

15. (1) No dealer shall, while being liable to pay tax under section marry on husiness as a dealer unless he has applied for a special certicate of registration. and response to a rai

(2) Every dealer required by sub-section (1) to be registered shall make application in this behalf in the prescribed manner to the prescribed authority.

(3) If the prescribed authority is satisfied that the application for spe-20.4 cial certificate is in order, it shall, in accordance with such rules as may be prescribed, grant a special certificate to the applicant in the prescribed form: A. C. S. S. .

Provided that the special certificate shall not specify the class of goods for the purposes of clause (II) of sub-section (3) of section 7.

(4) The prescribed authority may from time to time amend any special certificate in accordance with the information furnished under section 26 or otherwise received by him.

(5) The provisions of sub-section (3) of section 4 and sub-sections (6) and (7) of section 12 shall apply for registration under this section.

16. Notwithstanding anything to the contrary in this Regulation, when the certificate of registration of any dealer is cancelled on the ground of discontinuance of his business, the price of all goods purchased by him on the strength of his certificate of registration shall be included in his taxable turnover.

turnover where certificate of registration is cancelled. Payment

of tax

and returns.

 $\sin^{\lambda}$ 

500

Taxable

129

Special registra-

tion

17. (1) Tax payable under this Regulation shall be paid in the manner hereinafter provided at such intervals as may be prescribed. いいには

(2) Such dealers as may be required so to do by the Commissioner notice served in the prescribed manner and every registered dealer shall furnish such returns of the total turnover of the period to which such returns relate, in such manner, by such date, and to such authoby, as may be prescribed. 1. **1** 1 4 4 ad the 5 g 1

(3) Before any registered dealer furnishes the returns required by b section (2), he shall pay into a Government treasury or in such other the as may be prescribed the full amount of tax due from him under Regulation according to such returns, and shall furnish along with structures a receipt from such treasury showing the payment of such causes houve to the Completioner, requires ount the the second

Phe sizia and

MAP Heavy dealer discovers any omission or other error in any return Districtive him; he may at any time before the date prescribed for the Suching of the next return by him furnish a revised return, and if the sed return shows a greater amount of tax to be due than was shown the brighted return if shall be accompanied by a receipt showing pay-20 in the manaer provided in sull-section (3) of the extra amount: Buttles ffer a

ed that my such revised return shall be considered as such and of be taken into consideration if the assessing authority is satis-the return originally furnished was with intention to delay the states due in those or with intent to defined the Government of A CID III ON THE REPORT OF THE PARTY OF THE

[PART II-

2 of

Isinoni2 or Algers 18/41

55.00

Magart

turnever

am the ne

tration is ballaadaa

inam of l

West Ma LAY LAS in million

R. COLW

S. S. S. Santan

algor to

ausilw

100(5) With a view to encourage prompt payment of tax, the Administrator may prescribe rates of remissions or rebates in respect thereof in accordance with such principles as may be prescribed.

16 (6) (a) The amount of tax assessed or reassessed for any period under section 20 or section 21 less any sum already paid by the dealer in respect of such period, and

(b) the amount of penalty, if any, levied under this Regulation," shall be paid by the dealer or by the person liable therefor into the appropriate Government treasury by such date as may be specified in the notice or order issued under this Regulation, being a date not earlier than sixty days from the date of the service of the notice or order:

Provided that the Commissioner or any person appointed to assist him under sub-section (1) of section 3, may in respect of any particular dealer bri person and for reasons to be recorded in writing, extend the date of such payment, or allow him to pay the tax due or penalty, if any, or both Star 1 by instalments. tion de la state de la sec

(7) (m) When a dealer is in default in making payment of the tax assessed or reassessed or of penalty imposed, the Commissioner may in his discretion direct that, in addition to the amount of arrears a sum not exceeding six per cent, thereon per annum by way of interest plus a penalty equal to the amount of such interest shall be recovered from the AN ALTAR dealer. Bussen a provide the second state of the second state of the lines . The product to checkland and and the and me instanting

(b) Any amount of tax or penalty which remains unpaid after the date specified in the notice for payment, or in the order of imposition of penalty, or after the extended date of payment and any instalments not duiy paid, shall be recoverable as an arrear of land revenue.

(8) The Administrator may, by general or special order, published in the Official Gazette, authorise any officer not below the rank of a Sales Tax Officer, to exercise, for the purpose of effecting recovery of the amount of tax or penalty due from any dealer, or person under this Regulation, the powers of the Collector under the Dadra and Nagar Haveli Land Revenue Administration Regulation, 1971, to recover the dues as arrears of land revenues a subset of and finite 

Special mode of recovery.

119701

"istriction appending of 3-90 13018: (1) Notwithstanding anything contained in any law, or contract to the contrary, the Commissioner may, at any time, or from time to time, by notice in writing, a copy of which shall be forwarded to the dealer at his last address known to the Commissioner, require,

(a) any person from whom any amount of money is due or may ITTU: OT become due to the dealer who has failed to pay the amount of tak due or penalty imposed under this Regulation, or all o university

s of a subset more the subset of we have been position 「自己な話書」 (b) any person who holds or may subsequently hold money for or on account of such dealer.

box dans as side and to pay to the Commissioner, either forthwith upon the money becoming due or being held or at or within, the time specified in the notice (but not before the money becomes due or is held as aforesaid), so much of the money as is sufficient to pay the amount due by a dealer in respect

# 

nis-

reof

2 NF

riod

r in

di 199

the in

rlier

him

aler

e of

ooth

tax

y in

not

Ś a

the

the

m of

 $_{i_{f}}$  not

- 1 - **1** 

shed

Sales the

this

lagar

• the

n and

AL SW

tract

≥<sub>, i</sub> lo

2 of

appears of tax and penalty, or both, of the whole of the money a this equal to or less than that amount.

relation.—For the purpose of this sub-section the amount of many held due to a dealer from, or money held for or on account of a dealer from, or money held for or on account of a dealer by, any person, shall be calculated after deducting therefrom the claims, if any, lawfully subsisting as may have fallen due for payment by such dealer to such person,

(2) The Commissioner may at any time, amend or revoke any such hotice, or extend the time for making any payment in pursuance of the hotice.

(3) Any person making payment in compliance with a notice under this section shall be deemed to have made payment under the authority of the dealer, and the receipt of the Commissioner shall constitute good and sufficient discharge of the liability of such person, to the extent of the amount referred to in the receipt.

(4) Any person discharging any liability to the dealer after receipt of the notice referred to in this section shall be personally liable to the Commissioner to the extent of the liability discharged or to the extent of the liability of the dealer for tax and penalty whichever is less.

(5) Where a person to whom a notice under this section is sent objects to it by a statement in writing that the sum demanded or any part thereof is not due or payable to the dealer or that the amount held for, or on account of, the dealer is under genuine dispute, the Commissioner shall hold an enquiry and after giving a reasonable opportunity of being heard to such person and the dealer, shall make such order as he thinks fit.

(6) Any amount of money which a person is required to pay to the Commissioner or for which he is personally liable to the Commissioner under this section shall, if it remains unpaid, be recoverable as an arrear of land revenue.

<sup>vin</sup> 19. No person who is not a registered dealer shall collect in respect of any sale by him of goods in Dadra and Nagar Haveli any amount by vay of tax under this Regulation and no registered dealer shall make by such collection except in accordance with this Regulation and the colles made thereunder.

20 Yi (find ball) set amount of tax due from a registered dealer shall be sessed separately for each year during which he is liable to pay the the flads each the above of the second se

Provided that, when such dealer fails to furnish any return as not not under sub-section (2) of section P7 relating to any period of any or all the prescribed meaner, the Commis, and the prescribed meaner, the Commis, and the return of such year.

we wanted the first the first the first and for traces and the first to such condited to the state presented, and for traces in be recorded, in writing, sets the tax due from any dealer during a part of a year.

Collection of tax only by registered dealers.

Assessment of tax.

[PART II-

(2) (a) The Commissioner, for the purpose of satisfying himself that the returns furnished by a dealer are correct and complete, may require the presence of the dealer if he thinks it necessary or the production of further evidence and shall serve on such dealer in the prescribed manner a notice requiring him, on a date and at a place specified therein, either to attend and produce or cause to be produced all evidence on which such dealer relies in support of his returns, or to produce such evidence as is specified in the notice.

(b) If the Commissioner is satisfied that the returns furnished, in respect of any period are correct and complete he shall assess the amount of tax due from the dealer on the basis of such returns.

(c) If the Commissioner is not satisfied that the returns furnished in respect of any period are correct and complete, he shall, after considering all the evidence which may be produced and after giving the dealer an opportunity of being heard, assess to the best of his judgment the amount of tax due from the dealer.

(d) If a dealer fails to comply with the terms of any notice issued under clause (a) the Commissioner shall assess to the best of his judgment the amount of tax due from him.

(3) If a dealer does not furnish return as required under sub-section (2) of section 17 in respect of any period by the prescribed date, the Commissioner may serve on the dealer in the prescribed manner a notice requiring him, on a date and at a place specified therein, either to attend and produce or cause to be produced such evidence as is specified in the notice, and after giving the dealer a reasonable opportunity of being heard, assess to the best of his judgment, the amount of tax, if any, due from him.

(4) In assessing the dealer under any of the clauses (b), (c) and (d) of sub-section (2), or sub-section (3), if the Commissioner has reason to believe that the dealer has failed, without sufficient cause, to comply with the requirements of sub-section (2) or sub-section (3) or sub-section (4) of section 17, shall after giving such dealer a reasonable opportunity of being heard, direct him, either at the time of assessment or there, after, to pay by way of penalty in addition to the amount of tax assessed, a sum not exceeding one and a half times the amount of tax so assessed.

Collection of tax nly by registered ictieres

> Assessman men tex

(5) (a) If the Commissioner has reason to believe that a dealer is liable to pay tax in respect of any period but has failed to apply for registration within time as required by section 12, the Commissioner shall proceed to assess the amount of tax due from the dealer in respect of such period, and all subsequent periods, and for this purpose shall serve upon the dealer in the prescribed manner a notice requiring him to be present and produce or cause to be produced all evidence which he may possess or such evidence as is specified in the notice; in assessing the dealer in the manner referred to above a reasonable opportunity of being heard shall be given to him.

(b) If the dealer fails to comply with the terms of the notice issued under clause (a), the Commissioner may assess to the best of his judgment the amount of tax due from him.

5EC. 1]

n

that

juire

ction

ibed

lere-

e on

such

1

in

iount

ed in ering

r an

lount

ssued

judg-

ection

e, the

notice

attend

in the

being

y, due

nd (d) reason

section

there-

assess-

isessed.

iter is

for rer shall

lect of

11 serve

a to be

he may

ng the

if being

sugsued

ls judg-

2.40

51

(c) In any of the assessments made under clause (a) or clause (b), if the Commissioner has reasons to believe that the default in applying for registration within time was made without reasonable cause, he shall, after giving the dealer a reasonable opportunity of being heard, direct him, either at the time of assessment or thereafter, to pay by way of penalty, in addition to the amount of tax assessed, a sum not exceeding, one and a half times that amount.

(6) No assessment under sub-section (2) or sub-section (3) shall be made after the expiry of four years, and no assessment under subsection (5) shall be made after the expiry of six years, from the end of the year in respect of which, or part of which, such assessment is made:

Provided that, where such assessment is made in consequence of order of revisional authority or of a Court, the period of four years or six years, as the case may be, shall be reckoned from the date of such order:

Provided further that in computing the period of limitation laid down in this sub-section, any period during which assessment proceedings are stayed by an order or injunction of any Court or authority shall be excluded.

(7) Any assessment made under this section shall be without prejudice to any penalty which may be imposed under other provisions of this Regulation, or to any prosecution instituted for an offence under this Regulation.

21. (1) If the Commissioner has reason to believe that any turnover of sales of any goods chargeable to tax under this Regulation, has been under-assessed, or assessed at a lower rate, or that any deductions have been wrongly made, in an order of assessment made under section 20, then the Com-

(a) where he has reason to believe that the dealer has concealed such sales or any material particulars relating thereto, or bas knowingly furnished incorrect particulars of returns, at any time within eight years, and

(b) in any other case, at any time within five years of the end boof the period to which such turnover or deductions relate, we on the dealer liable to pay tax a notice requiring him, on a date and place specified therein, either to attend or produce or cause to be weed such evidence as may be specified in the notice, and may cled to assess or reassess the amount of tax due from such dealer, accordingly the other provisions of this Regulation and the rules the thereunder shall, so far as may be, apply as if the notice were notice referred to in sub-section (2) or sub-section (3) of section 20: Provided that the amount of tax' shall be assessed at the rates at in it would have been liable to tax had there been no undersment or escapement or assessment at a lower rate, but after is deductions, if any, admissible under this Regulation during the d to which the turnover relates. 

Nothing, in sub-section (1) shall apply to any proceeding, inding any notice issued, under section 20.

Assessment and reassessment of tax.

ຂໄສແດຈັກ.

**U**105

(3) Any assessment or reassessment made under this section shall be without prejudice to any penalty imposed, or to any prosecution instituted, for an offence under this Regulation. tence under this Regulation.

22. (1) The Commissioner shall, in the prescribed manner, refund to the dealer any amount of tax or penalty paid by such dealer in excess of the amount due from him under this Regulation or unduly paid by him. The refund may arise from an order of assessment) or from an order passed in appeal, revision or review under section 31 or reference under section 33, or from an order passed in respect of payment unduly made. A safety to them to the double of the structure of they

W. TT (2) (a) Where any declared goods referred to in section 14 of the Central Sales Tax Act, 1956 are sold by a dealer in the course of inter-State trade or commerce and such dealer shows to the satisfaction of the Commissioner that a tax under this Regulation has been levied in resur pect of any earlier sale of such goods made within Dadra and Nagaro Haveli then an amount equal to the tax so levied shall be refunded to such dealer in such manner, and subject to such conditions as may be prescribed. vere le sten bet

hobi bza (b) On receipt of the application for refund referred to above the Commissioner shall, after verifying the claim, make an order either granting or rejecting the application wholly or in part: this Received at A MADE REALLY

Provided that no order rejecting the refund or granting the same in part shall be passed unless the dealer is given an opportunity of being heard of ministry out a wer and day so what is not in the

bas insar CARC: NGC . to March Mr.

encrea A.

L.

TO LEASTELL CLASS COMPLETE OF THE OWNER OF STOPPED (c) If the refund is granted it shall be refunded in the same manner of as it is prescribed for refund referred to in sub-section. (1).

This toriorsim (3) Notwithstanding anything contained in sub-section (1) or subsection (2), the Commissioner shall adjust the amount due to be refunded under sub-section (1) or sub-section (2) towards the recovery of any amount due from the dealer on the date of adjustment and shall then refund the balance, if any.

they are to supervised whells and since he tools and a 200 (1). (4) Nothing in sub-section (1) or sub-section (2) shall be deemed to empower the Commissioner to amend, vary or rescind any assessment or to amend, vary or rescind any order passed in appeal, revision. or review under section 31, or reference under section 33 or to conferm on a dealer any relief in addition to what he is entitled under the provisions of this Regulation or section 15 of the Central Sales Tax Act, 1956. Service and the second second A There is a share with the state

74 of

Accounts.

Figure services and 23. Every registered dealer or other dealer on whom a notice has been served to furnish returns under sub-section (2) of section 17 shall keep a true account of the value of goods bought, and sold þy . him and if the Commissioner considers that such account is not sufficiently clear and intelligible to enable him to make a proper check of the returns referred to in that sub-section he may require such dealer by notice in writing to keep such accounts (including records of sales) as may be prescribed. The notices rebut to the off yith submit

34

Refu nd.

peigt (1)" The Commissioner nkiy, subject to such conditions as may be prescribed, require any dealer-

(a) if the business carried on by the dealer is continued after singinuon to erstaiger, structure was mid erology subord of (a), such is all representative or other person, share to be to pay the (a)

(b) to furnish any information, relating to the stock of goods of purchases, sales or deliveries of goods by the dealer or relating to the necessary for the purpose of this Regulation.

(2) All accounts, registers and documents relating to the stocks of goods of, or purchases, sales and deliveries of goods by, and all goods kept in any place of business of, any dealer, shall, at all reasonable times, be open to inspection by the Commissioner, and and due dood

(3) If the Commissioner has reason to suspect that any dealer is attempting to evade payment of any tax under this Regulation he may, for reasons to be recorded in writing, seize such accounts, registers or documents of the dealer as may be necessary, and shall grant a receipt for the same and shall retain the same only for so long as may be necessary in connection with any proceeding under this Regulation or for a prosecution.

(4) For the purposes of sub-section (2) or nisub-section (3) (1) the Commissioner may enter and search any place of business; of any dealer, or any other place where the Commissioner has reason to bulleve that the dealer keeps or is for the time being keeping (any meants, registers or documents of his business: 10 northicess radio to

Provided that no residential premises shall be entered into and arched by the Commissioner, except on the authority of a search trant issued by a magistrate having jurisdiction over the area.

Subject to such restrictions and conditions as may be prescribed mmissioner may, by order in writing, delegate any of his powers of this Regulation except those under sub-section (2) of section 35 by person appointed under sub-section (1) of section 35 to assist hims

Delegation of Commissioner's powers,

Informa. tion re-

garding

changes

Rev Car

. . . . . . . .

Sec. 1 at a start

of business.

135

(chosa)

Power Lo. antorisant call formation information nighter tion, etc.

to search

seize documents

and to

eic.

Where a charge in the ownership of shore the formation fers or otherwise discourse of anoistoord, at model the formation of the production of sector is concerning the sector in concerning the production of sector with the ownership of sector in concerning the product of sector of sector is and the sector is an anoing the product of sector of the sector of the sector of the sector the part of the sector of the sector of the sector of the sector to pay the to sector of the ownership of the sector of the sector to pay the to sector of the sector of the sector of the sector of the ter, disposed or the sector of the sector of the sector of the ter, disposed or change in the sector of the sector of the sector of the ter, disposed or change in the sector of the sector

the obanges the name or nature of his business or effects any nge in the class or classes of goods in which he cattles of <sup>3</sup>his nees stand which do on are, specified in un high certificate of stration, to national and business of goods in which he cattles of <sup>3</sup>his stration, to national and business transition, the prescribed lime inform the prescribed authority ugly, and if any such dealer dies, his tegat representative shall manner, inform the said authority.

No. Store III

ŋ

11

[PART II

Special provision regarding Hability in certain acit cases.

of bus -upob esige

27. (1), Where a dealer, liable to pay tax under this Regulation, dies then,be prescribed, require any dealer-

(a) if the business carried on by the dealer is continued after ""His death By Ris legal representative or any other person, such legal representative or other person, shall be liable to pay the tax (b) to furnish any inform bon, relating to the stock of goods incente,

olo gainslow (b) if the business called on by the dealer as a discontinued out after hissideath, his legal representative shall be liable to pay out

of the estate of the deceased, to the extent to which the estate is in canable of meeting the charge the tax (including any penalty) abodue from such dealer under this Regulation, same one to to shere

whether such tax (including any penalty) has been assessed before his \_semi1 death but has remained unpaid, or is assessed after his death.

en (2), Where is dealer, ligble to pay tax under this Regulation is a Hindu undivided family, and the joint family property is partitioned amongst the various members or groups of members, then each member orogroup of members and the legal representative, of any such member, who is deceased, notwithstanding such partition shall be ioint ly and severally liable to pay the tax (including any penalty) due from the dealer under this Regulation up to the time of the partition, whether such tax (including any penalty) has been assessed before partition buf has remained unpaid, or is assessed after partition mod dealer or any other place where the Commissioner n rease ROS

(3) Where a dealer liable to pay tax under this Regulation is a firm, or other association of persons, and such firm or association of persons is partitioned or dissolved, as the case may be, then every person who was a partner or member, and the legal representative of bany such person or member who is deceased shall, notwithstanding such partition or dissolution, be jointly and severally liable for the payment of tax repenalty or other amount payable under this Regulation by such firm or association of persons, whether such tax including any penalty has been assessed before such partition or dissolution but has remained unpaid for, is assessed after such partition or dissolution.

Delegation of Commissioner's DOWOTS:

minit Hon regarding changes 10 **business** 

(4) Where a dealer, liable to pay tax under this Regulation, transfers or otherwise disposes of his business in whole or in party or effects any change in the ownership thereof, in consequence of which he is succeeded in the husiness or part thereof by any other person, the dealer and the person succeeding shall jointly and severally be liable to pay the tax (including any penalty) due from the dealer under this Regulation up to the time of such transfer, disposal or change; whether such tax (including any penalty) has been assessed hefore such transfer, disposal or change but has remained unpaid, or is assessed there-

after. effects an venter Where the dealer, la goods of goods of the dealer, la goods of goods of the dealer, la goods of the dealer, la goods of goods of the dealer of goods of the dealer of goods of the dealer of goods of goods of the dealer of t

(a) is the guardian of a ward on whose behalf the business is carried on by the guardian, or Treastration.

the sublicity and it with the business under glutust for all the start of the business under glutust for all the start of the sublicity and it is a start of the sublicity of th beneficiary, in the menuer inform the soid authority.

# Stel 1914 - THE GAZETTE OF INDIA EXTRAORDINARY HIT

then, if the guardianiship of trust is terminated, the ward or, as the case may be the beneficiary shall be liable to pay the tax (including any penalty ute from the dealer up to the "time" of termination" of the guardianship or trust, whether such tax (including any penalty) has guardianship or trust, whether such tax (including any penalty) has been assessed before the termination of the guardianship or trust, but has remained unpaid, or is assessed thereafter. has remained unpaid, or is assessed thereafter.

(6) Where a dealer, liable to pay tax under this Regulation is succeeded in the business by any person in the manner described in clause (a) of sub-section (1) or in sub-section (2), then, such person shall be liable to pay tax on the sales of goods made by him on and after the date of such succession, and shall (unless he already holds a bertificate of registrationy within thirty days thereof apply logide registration:

n insurance of inner to contract states of purchased by Provided that, where such person resells any goods purchased by the dealer while carrying on business before such succession, he shall be entitled to such deductions in respect thereof as are permissible under sub-section (3) of section 7, had the resale been effected by the (2) Bulgret to such rules as may be prescribed and flexmid relief

28 (1) Where a dealer liable to pay tax under this Regulation is an individual person and he happens to expire, the tax payable under this Regulation by such individual person, for the period up to the date of his regulation by such individual person, for the period up to the date of his regulation by such individual person, for the period up to the date of his regulation by such individual person, for the period up to the date of his regulation by such individual person, for the period up to the date of his regulation by such individual person, for the period up to the date of his regulation by such individual person, for the period up to the date of his regulation by such individual person, for the period up to the date of his death, shall be assessed as if he was alive and all the provisions of this of the second provisions of this are used as the second provision of this are used as if he was alive and all the provisions of this are used as the second provision of th temmissioner:

Provided that before rejecting any application for the new on of any such order the Computationer or the Administration and the case may be, ball consider it and shall record reasons for as h

out (2) Where a dealer liable to pay tax under this Regulation is a Hindu undivided tamily, a firm sor other association of persons and lich family, firm, or association of persons is partitioned) or dissolved the case may be, the tax payable under this Regulation by such amily, firm or association of persons, for the period up to the date of ch partition or dissolution, shally be assessed as if no such partition dissoution had taken place and an the provisions of this Regulation any person appointed under sub-section (1) of vighibroose vique IIs scribed authority may be reviewed by that person of authority,

K. Notwithstanding any contract to the contrary, where any firm table to pay tax (including any penalty) under this Regulation, the lland each of the partners of the firm shall be jointly and severally 3.69Å to effect any person adversely, such person shatteneyed whus reals of

Provided that, where any such partner retires from the firm, he nother and southout the instruction of the firm, he to pay the tax and the penalty (if any) remaining unat the time of his retirement, and any tax (including any penalty) semicothe date of retizements the uphomeassessed bat the date in Sc

pealable ant Save as is provided in section 33 no assessment made and no transsed under this off equation or the rules made thereunder by disamplishinger 95 any person appointed, under sub-section (1) of the 3 to assist him shall be called in question in any Civil Court, no, Barndono saveo as optime do the seculta of a providence of a polication for sion or review shall he agamisticacobust basesmontain or depod

Ы

£

Liability to tax. and assessment of a dealer after his death, of a Hindu rundivided family after its partition of a firm or associa. tion of persons. after its dissolution, etc.

> Liability of firms

Non-ap-

certain proceed. ings.

Appeal revision -or bas

woli

(PART IL

31. (1) Any dealer may in the prescribed manner appeal to the pres-DSI stibed authority against any assessment or reassessment within sixty gays from the date of communication of the order appealed against:

Expiry of the said period of sixty days, if it is satisfied that the appli-tempiry of the said period of sixty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time:

at hold lungs girlt rainer as year and the standard by the said Provided further that no appeal shall be entertained by the said in balling and in the said of the said of the said of the said authority unless if is satisfied that such amount of the tax as the appli-norrow unless if is satisfied that such amount of the tax as the appli-norrow unless if is satisfied that such amount of the tax as the applicant may admit to be due from him has been paid. zb (2) Subject to such rules of procedure as may be prescribed, the appellate authority, in disposing of any appeal under sub-section (1). mayregistration

(a) confirm, reduce, enhance or annul the assessment, or (b) set aside the assessment and direct the assessing authority. Here and the assessment and direct the assessing authority. It o make a fresh assessment after such further inquiry as may be directed. directed. one an account for the added he has to bus dow going and the form

(3) Subject to such rules as may be prescribed and for neasons to be recorded in writing the Commissioner, upon application or of his jwn motion may revise any assessment made or order passed under this Regulation or the rules made thereunder by a person appointed under sub-section (1) of section 3 to assist him as aforesaid and the Administrator may, in like manner, revise any order passed by the Commissioner:

Provided that before rejecting any application for the revision of any such order the Commissioner or the Administrator, as the case may be, shall consider it and shall record reasons for such rejection:

Provided Turther that no application for revision shall "lie to the Commissioner, in respect of any assessment if an appeal lies under sub-section of the prescribed authority in respect of such assess the case be the payable addresses this Regulation of the ment. In the period will be the period up to the date of the date of persons, for the period up to the date of noit (4) Subject to such rules as may be made, any assessment made or order passed under this Regulation or the rules made thereunder, by any person appointed under sub-section (1) of section 3, on by the prescribed authority may be reviewed by that person or authority, as the case may be, upon an application or of his or its own motion, as the is liable to pay tax (healeding new penalty) ander this Reffit Kith, "in (1) (5) Before any order is passed under this section which is alikely to affect any person adversely, such person shall be given a reasonable

opportunity of being heard. an multipath month saturation in assessment includes imposition ef un grafanation. In this section "assessment" includes imposition ef paid if the their is retirented, and any tax (nucluding any Willing 32. Novappeal and no application for revision shall he against out

Non-appealsble Bazitan ristig proceed. eyni

 $\partial \mu$ bins Physical House issued ander this Regulation calling upon a dealer ander dwe ot es indstudy worke will the set of barks souther streak and by an and the noise by a souther of the souther and the souther of the souther and the souther of t 101 101/(2)1can order pertoining to the seizure or retention of account books register medeather doown ont fogs of fists weiver no moleiver.

Xel DI bas -33988ment of a dealer ein 19**11**8 death, of ubeilf a. bebivibnu family after its partition of a firm er associa tion of Dersons. after its -uloscib tion etc.

Uiabilky

Appeal

revision

and re-

view.

Liability offirms

# THE CAZETXETE INTLA EXTRAORDINARYINT

Erc. 11

ity

be

to

his

der

ted

the

the

of

ase

the

ider

ess-

e or

by

25

the

11 1

**loely** 

able

I of

filt:1

ال بينا

Ealer

ob he

n, or zount

żi∨.

the

ι:

## (3) meorder sanstioning of preservition under this (Regulation.

33eo(1) Within sixts days from the passing by the Administrator of any order under sub-section (3) of section 31 affecting any liability of any order under sub-section (3) of section 31 affecting any liability of any order under sub-section (3) of section 31 affecting any liability of any order under sub-section (3) of section 31 affecting any liability of any order under sub-section (3) of section 31 affecting any liability of application in writing, and accompanied by a feel of a one mundred application in writing, and accompanied by a feel of a one mundred application in writing and accompanied by a feel of a one mundred application in writing the Administrator to refer to the Court any question any arising out of such order. Out of the account of a section of the order of a section of the account of the order.

(2) If, for reasons to be recorded in writing, the Administrator heritises to make such reference the applicant may within thirty days by such refusit, either niciar bas brucqui yan (), nouse due u of orgente refusit, either niciar bas brucqui yan (), nouse due u of orgente refusit, either niciar bas brucqui yan (), nouse due u orgente refusit, either niciar bas of sale down of the suith orgente refusit, either niciar bas of sale down of the suith orgente and the sale of the suith the second sale of the suith (a) with refusit, fee sale of the suith the second sale of the suith the suith the second sale of the seco

shall be refunded), or shall be refunded), or (b) apply to the Court against such refusal. (c) (b) mitore-due

section (2), the Court is not satisfied of the correctness of the Administrator's decision, it may require the Administrator to state the case and refer it, and on the receipt of such requisition, the Administrator shall state and refer the case accordingly.

(4) If the Court is not satisfied that the statements in a case referred under this section are sufficient to enable it to determine the question raised, thereby, it may refer the case back to the Administrator to make such additions thereto or alterations therein as the Court may direct in that behalf.

Offences and penalties.

的口頭的

anning Diachtant

Les graters

regativity

mannethon

Powers of

Commis-

sioner, etc., in

certain

matters

Statement

of case to Court

(5) The Court upon hearing any such case shall decide the question of law raised therein, and shall deliver its judgment thereon containing the grounds on which such decision is founded, and shall send (a) copy of its judgment to the Administrator who shall pass such orders as are pressary to dispose of the case conformably to such judgment.

(6) Where a reference is made to the Court under this section, the is shall, be in the discretion of the Court signal in grand (b).

77) The payment" of the amount," if any, of tax due in accordance the order of the Administrator in respect of which an application been, made, under ship section (1), shall, not be stayed pending the sal of such application of the result of such reference of, but if such amount is reduced as the result of such reference cess tax baid shall be required in accordance with the provisions ion 22 noites reduced of the periods of the result of such reference in the such amount of the periods of the result of the provisions ion 22 noites reduced of the periods of the period of the periods of the periods of the periods of the periods of the period of the periods of the period of the periods of the period of the periods of t

In this section "Court means the High Court." bediraseriq

(h) refuses to comply with any fequirement made of him

(1) The Commissioner or any person appointed to besister him sub-section (1) of section 3 shall, for the purposes of this Reguhave the same powers the purpose of this Regulating contend to dedice the purpose of the following sear Haveli, when trying a suit in respect of the following hamely: \_\_\_\_\_\_\_\_ application of the following hamely: \_\_\_\_\_\_\_\_\_ application of the following hamely: \_\_\_\_\_\_\_\_ application of the following for the following hamely: \_\_\_\_\_\_\_\_ application of the following for the following for the following hamely: \_\_\_\_\_\_\_\_ application of the following for the

(4) enforcing the attendance of any person and examining him institution and examining him instituti

THE GAZEFTE OF INDIA FOR ADRINARY

note it (b) compelling the production of documents; and (t)

Stolenier 9835 30 to Court.

sie.

10 10:001 (c) issuing commissions for the examination of witnesses to vitildell vna gnitoofin 18 noitoes to (8) noitoes dus rebnu obro vna and any proceeding under this Regulation before the Commissioner or any person appointed to assist him under sub-section (1) of section 3 shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code.

to in sub-section (1) may impound and retain in this customy for use period as it thinks fit, any books of account or other documents prodaged before it in any proceedings under this Regulation:(")

Provided that a person appointed to assist the Commissioner under (b) apply to the Court and Shalls Hotes from of ylege (b)

-due to (a) impound bany books of account of other! decuments withsection (2) the Court iron griebises and the section (2) the Court iron section (2) bus even in alus of toleration A and entropy your it decision for the trate in the trate in the trate in this custody any such books on documents for a period exceeding thirty days without obtaining the approval not stated. the Commissioner therefor.

Offences and penalties.

Powers of Commis-

sioner,

etc., in

certain

2. (4) If the Court is not catisfied that the ambunds in the date released that the section was sufficient to anable it to deduction the question (4). If the Correl is not cariclized that the ancienceus in firaised, thereby, it may refer the case back to the Administrations to make such additions thereto ar alterations therein as the Coart may due to notherestico in reliab as asenizud no asirras (a) section (1) of section 12; or

(5). The Court upon hearing any such days shall decide the question mining (b) ofails to furnish the security demanded, under sub-section the promitis on which such decision is fourthard is in the promitis on which such ers as ersone due sand light any roll distributed and all a monthly set to (c) fails, without sufficient cause to furnish any return as thomselve of the return as the return of the ret , (6) Where a returnee is made to the Coart ander this southe, the

(d) being a registered dealer, faisely represents when pursource the sing nany iclass of goods; that goods of such alass are covered with the order of the Administro (Administro (Administro and Administro) and a standard on the Administro (Administro) and a standard of the Administro (Adminis the wind the horizontal states of the second dealer, the second of the second sec disposed of such allightion alights a rate of the test is adog units and the result of such amount is reduced as the result of such reference the excess tax Blightherites requisions of section (1) rousions

(g) fails, when required so to do under section 23 to keep (8) In this section "Courselist means the High Zouloos bedirozarq

(h) refuses to comply with any requirement made of him under 34. (1) The Commissioner or any; 42 monthese (4) motive due him under sub-section (1) of section 3 shall for the purpose of this Reguodt tobilithinknowingly approduces incorrect a possibility of the states srbements, gor knowingly dumishes discounce boint of mation; waltslar well and Nagar Havel when trying a suit in respect of the following matters of the source (i) matters in the structure (i)

a seizure under section 24; or

(a) enforcing the altendance of any person and examining him (k) neglects to furnish any information required by section 26,

45 of 186

SEC 1

\$30

shall he punishable with simple imprisonment which may extend to in months or, with fing or with both, and when the offence is a continying one, with a daily fine not exceeding fifty rupees during the period of the continuance of the offence:

(2) On payment in full of such and as may be detrimined by information of the payment of the pay shall be instituted in respect of the same facts in respect of which a penalty has been imposed under section 20 or section 36.

is aforesaid; and (2) No Court shall take cognizance of any offence under this Regulation of under the rules made thereunder excepts with the previgus sanction of the Omifilissioner! and no Court inferior to that of a Judicial Magistrate of the first class shall try any such offence

1si 3 All offences punishable under this Regulation shall be cogniz-Gazetie ... the encession of basis for at any place in Bide and Magaria Havele with a very to procenting or when of sales the erro other, dues

36. (1) If the Commissioner or any person appointed under sub- Penalty Prise section (1) of section 3 to assist him in the course of any proceedings under this Regulation is satisfied that a dealer has maintained false or incorrect accounts with a view to suppressing his sales purchases or etc. stock of goods, has concealed any particulars of his sales or purchases or has furnished to gr produces before any authority under this Regulation or the rules made thereunder, any account, return or information which is false or incorrect in any material particular, the Commissioner or such other person may, after giving the dealer (a) reasonable opportunity of being heard, direct him to pay, by way of penalty, in addition to the tax to which he is assessed or is hable to bes assessed, an amount not exceeding one and a half times the amount of tax which would have been avoided if the accounts or figures or parties culars were accorded as our child and a state as a contract of the state of the sta Mir. - 46

(1)(2) If any person purchasing goods is guilty of any offence under clause (a) or clause ((a) of sub-section (1) of section 35 the authority which granted to him or, as the case may be, is competent to grant to him a reasonable opportunity of being heard, by order in writing impose upon him by way of penalty a sum not exceeding one and a half times the tax which would have been levied under this Regulation on in respect of the sale to him of the goods, if the offence had not the penalty of the sale to him of the goods, if the offence had not of eithstanding anything to the control with the

" The fethe Continissioner is satisfied that any person has acted in Wievention of the provisions of section 19, he may, after giving such, File Preasonable opportunity of being heard, direct him to pay, by w stopenalty gasum not exceeding one and at half, times the tax reled in contravention of the said provisions.

Govgennaut discloses and of the particulars referred to in sub-section Subject to such conditions as may be prescribed the Commer may accept from any iperson alleged to have committed an offences. this Regulation either before or after the commencement of any Singslingainst such person in respect of such offence, by way of insult fobrauchoi offence, a sum net exceeding five thousand manuheracthoboffence alleged to have heen committed is under (a) or clause (c) of that sub-section, not exceeding double the **Di** toss 14.000代制的公式。在2014年1月6日,1694年

Setting

Indemnity.

Returns etc.; to be confiden. lait.

Penalty for contravening provisions regarding collection of tax by dealers. Compounding of

### THE GAZETTE OF INDIA EXTRAORDINARY

amount of the tax "Which would have been payable by such person had. nel complied With the provisions "of this" Regulation, " which ever is grant and submit sequery with an because to a only with a diversion of the grant of the second with a second with a second with a second to a second with the second second with the second second

(2) No Court shall take countance of any offence under this Haginge, here this destination of any offence under this Haginge, here, the there was a static of any offence under the transformer there as a shall to a static take shall to a with the beserver a fudicial Magistrate of the first class shall to a with the beserver

3940 (1) The Administrator annay by notification and the Official Gazette, set up check-posts or barriers at any place in Dadra and Nagar Haveli with a view to preventing evasion of sales tax and other dues payable under this Regulation a construction remaining the observe of the ministrator of the observe of the obser

<sup>10</sup> (2) Every person transporting such goods as may be notified shally it.
<sup>10</sup> (2) Every person transporting such goods as may be notified shally at any check-post of barrier referred to in sub-section (1); file before such officer as may be authorised by the Administrator in this behalf a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> a declaration in such form and in such manner as may be prescribed.
<sup>10</sup> and the prescription of the

Indemnity.

Returns, etc., to be confidential.

Penalty for contravening provisions regarding collection dealers. Campendiag of offences,

40. No suit, prosecution or other legal proceedings shall the againsto any unployee of the Gavernment for anything which is in good faith dolle of inferided to be done under this Regulation constant rules made there under the case may be done to be done the suite and suite and the suite and the suite and suite

to the under this produced in any statement made, return till, (1) All particulars contained in any statement made, return furnished of accounts or documents produced in accordance with this Regulation or in any record of evidence given in the course of any proceedings under this Begulation, other than proceedings before a Criminal Court, shall, save as provided in sub-section (3), be treated as confidential, and notwithstanding anything to the contrary contained in any other law relating to evidence, and Court shall, save as laforeshid, be entitled to require any employeen of the Government to produce before firsuch statement, return, accounts, documents or record or any part thereof, of to give evidence before it in respect thereof.

(2) If, save as provided in sub-section (3), any employee of the Government discloses any of the particulars referred to in sub-section (1), he shall be punishable with imprisonment, which may extend so to six months, and shall also be liable to fines more to a publication of the shall be punishable with imprisonment, which may extend to a six months, and shall also be liable to fines more to a publication

oben slut in this section shall apply to the disclosure of the original state of the section of the particular or the original state of the original state of the section of the particulars referred to inside section (i) and of the particulars referred to inside section (i) after of the particulars referred to inside section (i) after of the particulars referred to inside section (i) after of the particulars referred to inside section (i) after of the particulars referred to inside section (i) after of the particulars referred to inside section (i) after of the particular referred to inside section (i) after of the particular referred to inside section (i) after of the particular referred to inside section (i) after of the particular referred to inside section (i) after of the particular referred to inside section (i) after of the particular referred to inside section (i) after of the particular referred to inside section (i) after of the particular referred to inside section (i) after of the particular referred to inside section (i) after of the particular referred to inside section (i) after of the particular referred to inside section (i) after of the particular referred to inside section (i) after of the particular referred to (i) after of the particular referred

Setting up of posts and barriers<sub>mol</sub>l

for con-

cealment

of sales

িসুঁলি, ৩০৮ প্ৰমন্থ চন ১৯৯ 142

# THE GAZETTE OF INDIA EXTRAORDINARY

tool (or of such facts, to an onlicer of the Central Government or the reeveniment of any State or Union territory, as may be necessary, for verification of such facts or for the purpose of enabling that Govternment to lavy or realised any tax imposed by it as out (\*)

42. (1) The Administrator may, by notification in the Official Gazette, Power to make styles for carrying out the purposes of this Regulation al: (\*)

(2) The particular and without prejudice to the generality of the fore going power, such rules may provide for-

(a) the manufactures or manufacturing processes not included in the scope of idefinition of "manufacture" contatable in clause (6) able with fine not exceeding live neudred tupees, and whet for aligne for is a continue one with a daily in the ecceeding by the period of return of goods by purchasers under clause during the return of goods by purchasers under clause during the period of return of goods by purchasers under clause during the period of return the period of (n) of section 2;

43. Nothing in this floatlation of the state borring rathing (3) his be decided to indoe by vitaxe to gate and rathe borring rathing (3) his be decided to indoe by the state of the state

(d) the particulars to be contained in a declaration under clause (II) of sub-section (3) of section 7, the form of such declaration, the authority from which such form shall be obtainable and the manner in which such declaration is to be furnished; and at (12)

(e) the other sales turnover which may be deducted at from uoa dealer's gross turnover in computing his taxable turnover as defined shall apply for determining whether or not a puricular sale or purchase sauch (f) the asthatity (ito swhich applications state tegistration and applications and a state of the sauch of the second state of the second st sections 12, 13, 14 and 15 shall be made;

(g) the procedure for, and other matters incidentalito, the regist tration of dealers and the granting of certifigates phyregistration, and an the forms of such certificates under sections 12, 13, 14 and 15; ettesad the all of the this intervals is as when the this the the show of the the the the under this Regulation shally be payable under section off; rot insibogxe

ono 1 (i) otherigetainsi to be surmished under sub-section (21 of section 17 and dates by which and the ditthority to water og ut the store

45. On ane form the commencement of this Regulation, the Central foidy (i) the date by which returns for any period are to be furfished as Best the processing to be followed for asbessment tinder seesion 201x9 11

Havel the manner in which refunds under section 22 shall be made;

 $_{\rm source}$  (1) the accounts and forms thereof required by section 23;

45 of

(m) the conditions under which the production of accounts or. decuments or the furnishing of information may be required under subsection (1) of section 24;

the restrictions and conditions subject to which the Com-1. Motor vehicle 5 may delegate his powers sunder section 25 blader rotoM .1 tisk anithis auchduly bas which third marith in a ribe furnished under 2. Motor cycles and cycle combinations, motor scooters imension , bns 1. Handward & Shacharder 1911, part of a subscription and a subscription of the subscr HS to Jon assessment may be preferred under section 31;

Power to avomer -iffib culties.

Extension 30 Central Act 74 of 1956 to Dadra and Nagar Haveli

Savings

make

rules.

#### THE GAZETTE OF INDIA EXTRAORDINARY. [PART II

(q) the procedure for, and other matters (including fees) inci-Jental to, the disposal of appeals and applications for revision and review under section 31;

(r) the conditions under which offences may be compounded under section 38; 42. (1) The Advances agentance

(s) the manner in which, and the time within which, appEcalson tions shall be made, information furnished and notices served, under mber power, sur rule, now provide torthis Regulation;

(t) any other matter required to be prescribed.

(3) Any such rules may provide that a breach thereof shall be punishable with fine not exceeding five hundred rupees, and when the offence is a continuing one, with a daily fine not exceeding twenty five rupees during the continuance of the offence. (n) bi section is

43. Nothing in this Regulation or the rules made thereunder shall be deemed to impose, or authorise the imposition of, a tax on any sale or purchase of any goods when such sale or purchase takes place-

(1) in the course of inter-State trade or commerce; due to (11 Micha lo into The spire is ाधाःः (ii) outside Dadra and Nagar Haveliner when wind wind the

(iii) in the course of import of the goods into, or export of goods out of the territory of Indiana was such as the such as the

Explanation .- Sections 3, 4 and 5 of the Central Sales Tax Act, 1956 shall apply for determining whether or not a particular sale or purchase takes place in the manuer indicated in clause (i); clause (ii) or clause strate it. is presented that the bur persti at another (111).

44. If any difficulty arises in giving effect to the provisions of this Power to Regulation, the Administrator may, by order published in the Official Gazette, as occasion requires, make such provisions not inconsistent with the provisions of this Regulation as appears to him to be necessary or expedient for the removal of that difficulty: Lot minipuged and tobat

Provided that no such order shall be made after the expiration of one year from the commencement of this Regulation,

Extension of Central Act 74 of 1956 to Dadre and Nagar Haveli.

s 44

14

and shi mar

No.

ALC: HOURS Hg W

1.5928-10-55

Savings.

as mails,

remove diffi-

culties.

新売加算

te Magg

Bailaini on Hara 45. On and from the commencement of this Regulation, the Central Sales Tax Act, 1956 as it is generally in force in the territories to which it extends, shall extend to and come into force in, Dadra and Nagar ven. 25 autor 26 e 22 ments a senderichnetter andere her ubertaer ent. (3) Haveli.

When a successive and remain and the second the state of the superstance of the same the superstance of the

# THE FIRST SCHEDULE

# [See section 7(1)(a)] (n)

1. Motor vehicles including chassis of motor vehicles, spare parts of motor vehicles including batteries, motor tyres and tubes including Haps.

2. Motor cycles and cycle combinations, motor scooters, motorettes and tyres, tubes and spare parts of motor cycles, motor scooters and 128 auftuis tolung a new line ba your framesses. 1911 motorettes.

Refrigerators and air-conditioning plants and component parts and the Party and their space party of the second state

Wireless reception instruments and apparatus, radios and radio phones, transistors, electrical valves, accumulators, amplifiers and speakers and spare parts and accessories thereof.

5. Cinematographic equipment including "cameras, projectors and und recording and reproducing, equipment, recording tape, lenses, films and parts and accessories required for use therewith excluding films instified by the Central Board of Film Censors to be predominantly educational in nature.

6 Photographic and other cameras and enlargers, lenses, film and ates, paper and cloth and other parts and accessories required for use herewith.  $\sim b$ 

7. All clocks, time-pieces and watches and parts thereof.

8. Iron and steel safes and almirahs.

9. All arms including rifles, revolvers, pistols, and ammunition for the - same.

10. Cigarette cases and lighters.

inci-

and

201

nded

42. (

nder

hish-

ence

ipees

181

ll be

le or

÷11 ·

fooqa

1956,

:hase

lause

Sec. 1

this

ficial with

y, or

b,10

one

5.71

srik. ntral

hich

agar

s (. 65)

doen dus 

Ļъ.,

licasion

d June

States 11. Tape recorders, dictaphone and other similar apparatus for recording sound and spare parts thereof.

12. Sound transmitting equipment including telephones and loudspeakers and spare parts thereof.

13. Typewriters, tabulating machines, calculating machines and duplicating machines and parts thereof as the selection are been apply inn. 37 ulox14. Binoculars, telescopes and opera glasses A CARA

-913 15. Gramophones and component parts thereof.

16. Gramophone records.

17. Domestic electrical appliances including, fans, and fluorescent lighting tubes other than torches, torch cells and filament lighting The second as the second secon le ai r 18. Perfumes and cosmeties excluding hair oils, soaps, tooth brushes

19. Vacuum flasks of all kinds including thermos flasking and a 1.20. Iron and steel furniture on ballsthaired the Shound Adar there 1.21. Sheets, clishions, pillows, mattressesonnis otherianticles made of nam rubber or plastic foam or other synthetic feamers funding A IS

22. Foreign liquor other than Indian made foreign liquor other than Indian

297, Mittod spirit which is as unly known as petrol, dissel (oil aviation) 24: Elevinien furbine fuel. corders, house the definition and . be

24. Table setlery including knives, farks and spoons manifes Trace area 720 Garbets and durries (except made by khadi or handloom). ac bigs notew to take to take the providence of the providen

week Lodies handbags and venity bags, silk or wunth prover the 22. Playing gardar mixing of all right dependent and mark and part furs and articles of personal and domestic itse made diterefrom.

The second s a search could could a far and the search and a search and

### THE GAZETTE OF HINDIA ENTRAORDINARY

[RART 14\_,

3. Refrigerators and air-conditioning plantes information 1. Sparts 33. Aeroplanes and their spare parts.

oibs 34. Sanitary, fittingsat (othern than pipes) and abaquar is share with gramophones, transistors, electrical valves, accumulators, amplifiers and loud speakers and spare parts and accessories thereof

S. Chennel of the SECOND SCHEDULE los to former of the bms waind given drag and heaved det of (1) (noitose 952 ng trac lenses; films and parts and accessores required for use therewith excluding films certified by the Central Bo 2000 2017, xAL sons to be predominantly educational in nature

1. All cereals and pulses including all forms of rice. bne 2 floureincluding atta, maida suji and bran (except when sold plot pairs including atta, maida suji and bran (except when sold states, poper and civit and bran bran (except). therewiti:

3. Bread.

Peaceria

512

Extension

Ast 24 of

1**95**8 kg Chaits and

Magaz

Mavelt

D. Central

1980394895

11 en ties 4. Meat (except when sold in sealed containers).

5. Fish (except when sold in sealed containers). adt gi rrein unse boo slotel moving softing ministration it

7. Livestock including poultry.

8. Vegetables, green and dried (excluding dehydrated yegetables), 8. vegetables, green and dried (excluding dehydrated yegetables), 8. Vegetable setting and plants (other than medicinal preparations), except -byegetable setting and plants (other than medicinal preparations), except for the setting and plants (other than medicinal plants) and so and so and so a setting the setting the setting and so a setting the setting

12 sound was within equilation including television of the loudspeakars and spare parts thereof. 10, Sugar, gur, molasses and sugarcane. ilgub bas s 11. Salt. eating machines and parts thereaf .... . . .

12. Fresh milk, whole or separated and milk products made lexclusively out of milk, without addition or admixture of any other ingredients.

16. Gramophine records. 13. Ghee. 174 Domestic electrical appliances anclusing faustic di fuorescent lighting tuper other than tor ness torch cells and diament lighting 15. All varieties of cotton, woollen, rayon or artificial silk fobrids

18. Perfumes and cosmebeardt conting anibulari, max motion busies 17. Newsprint and white printing paper. and den inrices Vacuum Heske of all should graving banks He to establish innus

19. All books and periodicals. 20. Iron and steel furniture. 21, Sheets cushions, pillows mattresdepounds dimerbaowclew In alle of foam subber or plastic foam or other swinningfor and for an unper or plastic foam of the second of t 23. Foreign-liquor other than Indian made foreign lighting . 22 sff

Toit 23. Cattles feed, meluding Todder and put inter i 23. 69 24. Electrical energy.

24 Table cutlery incuding knives torks and spoons resulting.
 25. Fertilizers and manues torks in and spoons and cutler is the spoon of the second secon

27. Ladies handbags and vanity bags. 27. Raw wool.

28. Tobacco and all its products. 228. Playing cards W 19120: Country made shoes' (Juties), Hand-made utensils, cane and bamboo handicrafts and earthen wares made by Khumbharas, when manu setured without the use of power and at a place office than a factory as opicities]

#### THE MALEPHY OF INDIA MATRIARDIN ARY

defined in the Factories Act, 1943 and sold lefther by the maker finnself or by any member of his family or by a competative society consisting wholly of the makers of such articles.  $(106)^{1}$  (b)

30. Achar and murraba except when sold in sealed containers.

31. Charkha, takli and charkha accessories blood notion (a)

32. Slate, slate pencils, takhties, black ink used for takhties, writing chalks, crayons, foot rules of the type used in schools, taking (pensused for takhties).

33. Betel leaves, betel nuts, kat and edible lime. Act (p)

34. Durries of the size not exceeding 2.70 sd. heters in extent.

35. Bardana including hessian cloth, iron strips and wood and tin bussed in packing, the sele of which is incidental to dealing in any of the other goods mentioned in this Schedule.

36. Cotton padding a foolbund a ruendobus griewild, ed'i (m)

37. Articles and utensils made of Kansa (bell metal) musters 21 .13

52. Mangal suita with Beered atrag oraginars, stars, shaned as ing

39. Chillies, chilly powder, tamarind and turmeric (whole or powdered), except whangsold in scaled containers to a solute to solute to

40. Coconut in shell and stars separated kernel of coconut, other than respectively the stars of the second of the stars of the star of the second to be separated to be second of the star of the second to be set the stars of the second of the second of the second to be second of the second of th

(i) Sprayers and dusters, both manual and power meren 24

Signif3.2Films/continues bynithebCentral Boards of Fulny Censors to be of a predominantly educational nature.

44. Flowers (excluding artificial flowers). Tolstanse 309 (iii) 45. Flower, fruit and vegetable seeds; seeds of lucerne and other todder grass; seeds of sun-hemp; bails, croms, fruitones, suckers and tubers; budgrafts; cuttings; layers and seedlings, plants.

(vii) Bird and animal scaring machines.
(viii) Bird and animal scaring machines.
(viii) Spare parts and accessories for hereinbefore describes to a parts and accessories for hereinbefore describes (viii) accession and accessories for hereinbefore describes (viii) accession accessories for plant protection, namely.
(b) The minimum bird accessories for plant protection, namely.
(b) The current bird accessories for plant protection, namely.
(c) The current bird accessories for plant protection, namely.
(b) The current bird accessories for plant protection, namely.
(c) Funge currents and accessories for plant protection, namely.
(d) Funge currents and accessories and accessories.

Explanation—For the purpose of this entry 2 (means) any cloth oven on handloom in India from cotton, silk or woollen yarm hand spun in India or from the mixture of any two of such yarns. (")

49 Products of Village Industries as at find wither Rhad and Village matrices Commission Act. 1956. And a top the science standard coversment of standard (1990 cost, 1978) and a top the science of the coversment of standard (1978)

AN AN AN ANY

HALTAR!

E.

in

10

3).

pt

<u>u-</u>

8444

defined in the Factories Act, 19 torent strate has mooth and the Manaelt 1948. gnitelen of the inakers of such accessories, namely solution of the wholly of the inakers of such accessories.

(a) Rach.

39. Achar and murraba except when sold in sealed in Ratally is.

" 31. (Markha, takli and tcharkin areasoriezblaad notto) (2)

32. State state pencils, takhtins, biack jok use selftude (b)s, writing chalks, crayons, foot rules of the type used in sanddod a(s)ms (pens used for takinties). (f) Pins.

33. Betel leaves, betel nuts, kat sad edible linaras (g)

(iii) The following handloom auxiliary machines, nanesly of the 35. Bardana including nessian ciota, in a siring and and to vue bi Sectional drum type swarping machined worked by bland and V-shaped creel used therewith: did is moltan aboog anto

(iv) The following attachment to handlooms, namely: Tolto 3.8.

Wooden dobbies. 51. Kumkum (including liquid kumkum).

52. Mangal sutra with black glass beets sold at a price not exceeding 39 Chililes, civilly powder, tamoning and turmente (diff) as qui wer 53. Bangles of price not exceeding one rupet per pair w 1990x9 (ba

40. Coconut in shell afteogeogeneriewskirchen aggeogine than 55. Stamp-papers and stamps sold by vendors duly authorised stander the provisions of the Indian Stamp Act, 1899 and the Court Fees Act, Jacobi 900 Vin 18 berres admin Photophanted Bus Dool Berroe Act, e price not more than three rup es per person. for consumption at or entred basis of the set of the ment which is not a shop or establishment conducted parotoer is the 58. (a) The the second state of the second state of the second state of the second second second state of the second seco

(i) Sprayers and dusters, both manual and power driven. 24 s to ad o(ii) deayo valume atomisers for dusting and ispraying as single predominantly educational mature control of the section in bandmon in

(iii) Fog generators work antibilitie gaibuloxe) erswork (iii)

45. Flower, fruit and vegetable seeds, seeds of lucerne at 16. tubers; budgrafts; cuttings; layers and seedlings signified (iv) ckers and

(vii) Bird and animal scaring machines. esnorb bas aclisive ted esvel distant (viii) Spare parts and accessories for hereinbefore described 1. d. .

47. Handloom fabrics of all varieties as main and traffics of 

(ii) Fungicides.

Explanation .-. For the purpose of this entry . zetlesifoMc.(iii) any cloth woven on haudloom in India from cotton sills or weeldright (Giband spun in India or from the mixture of any two of such vains (v) Rodenticides.

openity of Village Industriation and the constitution of Village genty ous many and state and the field to find the state of the state

# U THE GAZETTE OF INDIA EXTRAORDINARY

an difference and the second

1. 1P.A.

9. S

Medicinal mixtures prepared by any registered pharmacy or dissary under the prescription of a registered medical practitioner.

no Condoms and the advertising and publicity materials relating

A THE A THE AND A THE ADDRESS OF A THE ADDRESS AND ADDRESS AND ADDRESS ADDRE

e ingen groot

AN OF STREET

61. Mineral ores.

freto.

pđ

ıg

7 of

### THE THIRD SCHEDULE

#### [See section 7(1)(b)]

The goods specified in section 14 of the Central Sales Tax Act, 1956 as goods of special importance in inter-State trade or commerce, other than such goods, if any, included in the Second Schedule to this Reguand the second lation.

### N. SANJIVA REDDY,

President.

# Anna was the main and the company and the K. K. SUNDARAM.

Secy. to the Govt. of India. THE TARGET OF A STATE OF A RELEVAL

A VITE TO BE LESS TO THERE A TRANSMEN ALCOLOU TONI, 1970

### a Marchense

For all of the period to the Marth 公司: 和和学

· Regulation Aleider to object the Union Technological Artical and Incolumnas decolution, 1976 as u. I. e. in the Unite Advisory of Mindlenetry

should don't use to when employee by the menual to when to change and article 201 of the Correction one President is clease i to rearrie the following lepticity and this is

t in This highling over he called the Usion Terriveley laber of 11.25 te for a ledde cause ( ad febrery (An Scientific) ) - chaver, 1973. S. R. L 11 200

and its many and approved to a the course to the forest on the Solar stage of

# Seguriorsie (SI) - 72 AMIGROARTER ASSAL TO BEGISTERED, No. D-(D)-72

2. In section 3 of the Unice states is Relief of Agricultural Indea Amend. ment of edness Régulation, 1976, 🚲 cherry (hereination reterned )) Illas the propert Regulation), in set Section 3

# upstitute. ne Gazette of India ni suon

3. (1) The Union Territories Roller of Agricultural Indebiedness (Pondicherry Angendissen) (P.M. R. S. 1978 is hereby repeated. EXTRAORDINARY

Repeal of Pondivrusifo -ihiQ STREET

(2) Notwithstanding such reput mysbing flore or only e three taken under the principal Regulation as allowing by the soil Ord nance shall nolich, 190 feelf to a will rule PART I -Section, 190 orad of bomsab ad / प्राधिकार से प्रकाशित की लोग की babmance as

# PUBLISHED BY AUTHORITY

संबद्धि Ava are lerel, बुषवार, फरवरी 14, 1979/ माघ 25, 1900 NEW DELHI, WEDNESDAY, FEBRUARY 14, 1979/MAGHA 25, 1900 

the also is a set of the set of t

इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके। Beparate paging is given to this Part in order that it may be filed

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 14th February, 1979/Magha 25, 1900 (Saka)

THE UNION TERRITORIES RELIEF OF AGRICULTURAL INDEBTEDNESS (PONDICHERRY AMENDMENT) REGULATION, 1979

NO. 1 OF 1979

Promulgated by the President in the Thirtieth Year of the Republic

A Regulation further to amend the Union Territories Relief of Agricul-Contraction and a second wiral Indebtedness Regulation, 1976 as in force in the Union territory

In exercise of the powers conferred by the second proviso to clause P. A. Down of Assayout all the Ora a of article 240 of the Constitution, the President is pleased to promulthe following Regulation made by him:--

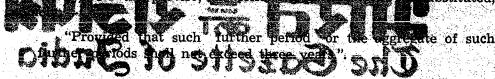
1. (1) This Regulation may be called the Union Territories Relief of Short t Agricultural Indebtedness (Pondicherry Amendment) 'Regulation, 1979. and con mencement.

(2) It shall be deemed to have come into force on the 29th days of ist en off the solution of the solution dune, 1978.

and a second and the second of the second of

# 

Amend. ment of section 3. 2. In section 3 of the Union Derritories Relief of Agricultural Indebtedness Regulation, 1976, as in the Union territory of Pondicherry (hereinafter referred Jiolas the principal Regulation), in substant provide the principal Regulation of the section of



3. (1) The Union Territories Relief of Agricultural Indebtedness (Pondicherry Amendment) Ordinance, 1978 is hereby repealed. YAAVI(IAOASTZA

(2) Notwithstanding such repeal, anything done or any action taken under the principal Regulation as amended by the said Ordinance shall be deemed to have been done or taken under the principal Regulation as amended by this Regulation.  $\frac{1}{100}$  with  $\frac{1}{100}$  or  $\frac{1}{100}$  with  $\frac{1}{100}$  and  $\frac{1}{100}$  with  $\frac{1}{100}$  and  $\frac{1}{100}$  as a mended by the said or  $\frac{1}{100}$  and  $\frac{1}{10$ 

## PURITSHED BY AUTHORITY

Server Server Server

### 0001 .25 MIR 19701 . 1 1983 TENA . IN SANJIVA REDDY, 0000 AND MIRAN WALLARTHERING THE SANJIVA REDDY, President.

t we use it per a stand more an est word of the is near appoint it in my the best of the set and it in my the best of the set of the

Secy. to the Govt, of India.

1 of 1

1 of 1

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislance Decomment)

New Dealth and Mais February, 1979, Mapha 25, 1964 (Sava)

THE UNION TERRITORIES RELIEF OF AGRICULTURAL INDERTEDNESS (DOMENTIERRY AMENDMENT) REGULATION, 1979

### No. 1 OF 1979

Promulgated by Mac President in the Thirtieth Year of the Republic

A Regulation further to an and the Union Territories Relief of Agricultural Indebtedness Rejutation. 1976 as in force in the Union territory of Pondichery.

In exercise of the powers conferred by the second provise to clause (1) of article 240 of the Constitution the President is pleased to promitgate the following Regulation under by him--

1. (1) This Regulation may be ealed the Union Territories Rollef of Short 1 Agricultural Indebtedness (Fondicherry Amendment) Regulation, 1979, and cor

(2) If shall be deemed to have come into force on the 20th day of mean. June, 1978

> PRINTED BY THE GENERAL MANAGER (GOVERNMENT OF INDIA PRESS, MINTO ROAD NEW DELHI AND PUBLISHED BY THE CONTROLLER OF FUBLICATIONS, DELHI 1979

> > Contraction of the second second second

Repeal of Pondicherry Ordinance.

## CENTRAL REGULATIONS – 1976

- 1. The Union Territories Relief of Agricultural Indebtedness Regulation, 1976.
- 2. The Pondicherry Vacant Lands in Urban Areas (Prohibition of Alienation) Regulation, 1976.
- 3. The Andaman and Nicobar Islands (Municipal Boards) Amendment Regulation, 1976.
- 4. The Pondicherry Irrigation (Levy of Betterment Contribution) Regulation, 1976.
- 5. The Pondicherry Irrigation Cess Regulation, 1976.
- 6. The Indian Stamp (Pondicherry Amendment) Regulation, 1976.
- 7. The Pondicherry General Sales Tax (Amendment) Regulation, 1976.
- 8. The Pondicherry Municipalities and Village and Commune Panchayats (Amendment) Regulation, 1976.
- 9. The Andaman and Nicobar Islands Land Revenue and Land Reforms (Amendment) Regulation, 1976.
- 10. The Pondicherry Municipalities and Village and Commune Panchayats (Second Amendment) Regulation, 1976.
- 11. The Dadra and Nagar Haveli Land Reforms (Amendment) Regulation, 1976.
- 12. The Indian Stamp (Pondicherry Second Amendment) Regulation, 1976.
- The Dadra and Nagar Haveli Land Reforms (Second Amendment) Regulation, 1976.

## 1977

- 1. The Yanam Land Reforms (Ceiling on Agricultural Holdings) Regulation, 1976.
- 2. The Registration (Pondicherry Amendment) Regulation, 1977.
- 3. The Pondicherry Land Reforms (Fixation of Ceiling on Land) Amendment Regulation, 1977.
- 4. The Pondicherry Municipalities and Village and Commune Panchayats (Amendment) Regulation, 1977.
- 5. The Union Territories Relief of Agricultural Indebtedness Regulation, 1977.
- 6. The Code of Criminal Procedure (Amendment) Regulation, 1977.

## 1978

- 1. The Lakshadweep Weights and Measures (enforcement) Regulation, 1978.
- 2. The Dadra and Nagar Haveli Sales Tax Regulation, 1978.

## 1979

- 1. The Union Territories Relief of Agricultural Indebtedness (Pondicherry Amendment) Regulation, 1979.
- 2. The Police (Pondicherry Amendment) Regulation, 1979.
- 3. The Pondicherry Prohibition Regulation, 1979.

4. The Andaman and Nicobar Islands (Administration) Regulation, 1979.

- 5. The Lakshadweep Prohibition Regulation, 1979.
- 6. The Andaman and Nicobar Islands Entertainment Tax (Amendment) Regulation, 1979.